

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

PRESENT: Thiru. Swarnam J. Natarajan M.L.,
Principal Sessions Judge, Tiruppur.

Thursday, the 13th day of October, 2022

Cr.M.P.No.1937 / 2022

1. Mahesh (30)
S/o.Santhirasekar.

2. Somasundaram (32)
S/o.Muthusamy

.....Petitioner/Accused 1,2

Vs.

State Rep. by
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur.
(Cr.No.699/2022)

.....Respondent/Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.P.Gowrishankar, Advocate for the petitioners and Thiru.S.Kanagasabapathy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

ORDER

1. The petitioners, who are in custody for the offences punishable u/s.294(b), 324, 307, 506(2) of IPC had filed this petition u/s. 439 of Cr.P.C. seeking for their release on bail.

2. The petitioners were arrested on 29.09.2022 and they are in judicial custody for the past 15 days.

13.10.2022

Principal Sessions Judge, Tiruppur

3. The case of the prosecution is that the defacto complainant belongs to Kaniyakumari district and he is working as mason under his supervisor namely Sukumar for the construction work. There is a quarrel between the petitioners and the defacto complainant in respect of bricks delivery and money transaction for the same, the petitioners were abused by filthy language and attacked the defatco complainant. Hence, the complaint.

4. According to the petitioners, the defacto complainant's supervisor Sukumar was approached the petitioner and asked to deliver two loads of bricks and the petitioner was delivered the goods. After two days the said Sukumar asked this petitioner to come to the occurrence place. When the petitioner went to the occurrence place, Sukumar picked quarrel with the petitioner and at the time more than 15 members were with Sukumar in an intoxication mode by using filthy language and beaten the petitioner, at the time the defacto complainant fell down on a stone and gave a false complaint. Moreover, the 2nd accused is a physically challenged person and they were falsely implicated in this case. They are ready to abide by any condition imposed by this court and willing to produce sufficient sureties to the satisfaction of this Court and hence prays to grant bail to them.

5. The learned Public Prosecutor has submitted that the investigation is pending, the accused is not having permanent residence, if the petitioners are released on bail, they will tamper the witnesses, there is a chance for causing life injurious to the defacto complainant and hence the prosecution side strongly opposed for grant of bail to the petitioners and prays for dismissal of the petition.

6. The petitioner was said to have committed u/s.294(b), 324, 307, 506(2) of IPC. Considering the fact that two injured persons were assaulted by the accused persons and 307 IPC is 2 counts and recently the injured persons have been discharged from the hospital. Considering the fact that the investigation is in pre-matured stage, this court is not inclined to consider the bail application of the petitioners and the petition is dismissed.

In the result, this petition is dismissed.

Given by me, this the 13th day of October, 2022.

Principal Sessions Judge
Tiruppur.