

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

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

Monday, the 17th day of October, 2022

Cr.M.P.No. 1947 / 2022

- 1.Gowtham (28)
S/o. Ravichandran
- 2.Raja (31)
S/o. Velusamy
- 3.Senthil @ Thirumalaisamy (34)
S/o. Murugesan
- 4.Sathish @ Sathishkumar (30)
S/o. Ramasamy
- 5.Sugumar (42)
S/o. Nagaraj
- 6.Chandiramohan (36)
S/o. Shanmugam
- 7.Logeswaran @ Loganathan (28)
S/o. Nagaraj

.....Petitioners/Accused

Vs.

State Rep. by
The Sub Inspector of Police,
Kudimangalam Police station,
Tiruppur.
Cr.No. 3/2020

.....Respondent/Complainant

This petition is coming on this day for final hearing before me in the presence of Thiru.C.P.Subramanian, 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 are apprehending arrest for the offences punishable u/s.147, 148, 448, 294(b), 352, 506(ii) IPC and section 3(1) of TN PUBLIC PROPERTY (PRVNT OF DAMAGE @ LOSS) ACT 1992 had filed this petition u/s.438 of Cr.P.C. seeking for their release on bail in the event of arrest.

2. The case of the prosecution is that one Nallamuthu Samuvel conducting Anglical Church International Communion for the past 8 years. The petitioners Sukumar and Chandramohan and other two persons were threatened the defacto complainant with dire consequences and abused his son and other persons in the church and damaged the vehicles and compound of church. Hence, the complaint.

3. According to the petitioners, the defacto Complainant lodged false complaint against them. There is no connection to the petitioners with the offence. They will not abscond or tamper the witnesses. 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 anticipatory bail to them.

4. The learned Public Prosecutor has submitted that the accused trespassed into the defacto complainant place and abused with filthy language of his relatives, damaged the vehicle and threatened them. The incident creates problem between the two communities and hence the prosecution side strongly opposed for grant of bail to the petitioners and prays for dismissal of the petition.

5. The petitioner was said to have committed offences u/s.147, 148, 448, 294(b), 352, 506(ii) IPC and section 3(1) of TN PUBLIC PROPERTY (PRVNT OF DAMAGE @ LOSS) ACT 1992. Considering the fact that the damage is for the extend of Rs.2,600/- and nobody is sustained injury in the incident and there is a delay of five days in lodging the complaint, the petitioner were not involved in any previous case, this court is inclined the considering the bail application and the petition is allowed.

In the result, the petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate No.II, Udumalpet within 15 days from today, on their executing a bond for Rs.10,000/- each with 2 sureties for a like sum to the satisfaction of the Judicial Magistrate No.II, Udumalpet with a condition that the petitioners are directed to sign before the respondent police daily morning at 10.00 a.m., for 30 days, thereafter they should appear before the court concerned on receipt of summon.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate shall obtain the copy of their Aadhar cards or bank pass books to ensure their identity.

The petitioners shall not try to contact, influence, threaten or pressurize the victim or complainant or other material witnesses and shall not tamper with the evidence and shall appear before the respondent / Investigation Officer as and when required for investigation.

On breach of the aforesaid conditions, the learned Judicial Magistrate No.II, Udumalpet is directed to take appropriate action against the petitioners in accordance with the law as laid out in the judgment of Hon'ble Supreme Court in P.K. Shaji in AIR 2005 SCW 5506.

If the petitioners abscond, a fresh F.I.R shall be registered u/s.229(A) of IPC.

Given by me, this the 17th day of October, 2022.

Principal Sessions Judge,
Tiruppur.

Copy to :

1. The Judicial Magistrate No.II, Udumalpet.
2. The Public Prosecutor, Tiruppur.
3. The Inspector of Police, Gudimangalam Police station.
4. Counsel for the petitioners.