

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, TIRUPPUR

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

Friday, the 14th day of October, 2022

Cr.M.P.No. 1959 / 2022

1. Indhuja (20)
D/o.Selvaraj,
W/o.Manivel.

2. Manivel (25)
S/o.Nallasamy.

.....Petitioners/Accused

Vs.

State Rep. by
The Inspector of Police,
Dharapuram Police station
Tiruppur district.
(Cr.No.524/2022)

.....Respondent/Complainant

This petition coming on this day for final hearing before me in the presence of Thiru.A.R.Hariprasadh, 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, apprehending arrest for the offences punishable u/s.294(b), 341, 324, 506(ii) IPC had filed this petition u/s.438 of Cr.P.C. seeking for their release on bail in the event of arrest.

2. The prosecution case is that on 03.10.2022 in respect of grabbing the property, the accused No.1 abused and beaten the defacto complainant using iron rod and the accused No.2 caused hurt on the defacto

complainant by using Aruval and he fell down and sustained simple injuries, thereafter the accused had threatened the defacto complainant.

3. According to the petitioners, on 03.10.2022 around at 10.12 a.m., asked the defacto complainant that as there was civil suit pending why the defacto complainant was in the property, the defacto complainant abused and using the rod and hit the accused No.1 in her hand and they both hurt and injured and gave complaint to the respondent police. They falsely implicated in this case, they have not committed any 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 investigation is pending, the accused No.2 is involved in two previous cases, if the petitioners are released on bail, they will abscond and tamper the witnesses, again they will indulge in same type of offence and hence the prosecution side strongly opposed for grant of anticipatory bail to the petitioner and prays for dismissal of the petition.

5. The petitioners were said to have committed offences u/s.294(b), 341, 324, 506(ii) IPC. A2 in this case, he is having two previous cases. Considering the above circumstances, this court is inclined to consider the anticipatory bail application of the petitioners 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, Dharapuram 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, Dharapuram with a condition that the petitioner is directed to stay at Uthukuli and to appear before the Uthukuli police daily morning at 10.00 a.m., and evening at 5.00 p.m., and sign 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, Dharapuram 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 14th day of October, 2022.

Principal Sessions Judge,
Tiruppur.

Copy to :

1. The Judicial Magistrate, Dharapuram.
2. The Public Prosecutor, Tiruppur.
3. The Inspector of Police, Uthukuli Police station.
4. The Inspector of Police, Dharapuram Police station.
4. Counsel for the petitioners.