

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI
Present : Thiru.R.GURUMURTHY., B.Sc., B.L.,
Principal Sessions Judge, Thoothukudi
Wednesday the 28th day of September 2022
Cr.M.P.No.5340/2022

Paramasivan (M/37/2022),
S/o. Esakki,
Komaneri,
Sathankulam Taluk,
Thoothukudi District.

... Petitioners/Accused

-Vs-

State : The Inspector of Police,
Sathankulam P.S., Thoothukudi.
Thoothukudi District
Crime No. 269/2022

...Respondent/Complainant

Petition u/s.438 Cr.P.C., filed on 22-09-2022, prays for grant bail to the Petitioner/accused. This Petition is coming on this day for final hearing before me in the presence of Thiru.G.Manikandan, Advocate for the Petitioner/accused and objection made by the learned Public Prosecutor are heard and this court delivered the following...

ORDER

This petition has been filed by the petitioner/accused u/s. 438 of Cr.P.C. to release the petitioner/accused on anticipatory bail.

The petitioner/accused is alleged to have committed the offences u/s. 294(b), 353, 323 and 506 (ii) of IPC and the date of occurrence is on 07.09.2022.

Heard both sides. Perused the records.

The case of the prosecution is that on 07.09.2022 the petitioner abused the defacto complainant, who is the Panchayat Union Executive Officer, with filthy language and also made criminal intimidation against him and thereby prevented him from discharging his duty and when it was questioned by the defacto complainant's brother, the accused assaulted him with hands on his face and caused simple injuries to him.

The learned Counsel for the petitioner would submit that this petitioner is the single accused in this case and he is an innocent and he has not at all committed any offence as alleged by the prosecution and that the real fact is that this petitioner is the

Panchayat clerk and the village people under his Panchayat reported him that the street lamps were not lightening and hence the petitioner raised question before the defacto complainant and at that time , there was a wordy quarrel happened between the parties and that that incident has been exaggerated by the defacto complainant and that however the injured was treated as only out patient and that no previous case is pending against the petitioner and that he is ready and willing to furnish sufficient sureties for his release on anticipatory bail and therefore he prays that the petitioner may be released on anticipatory bail.

The learned Public Prosecutor has raised objections to release the petitioner on anticipatory bail by stating that the petitioner is the single accused in this case, the defacto complainant is working as Executive officer in Panchayat Union office, the petitioner/accused is working as Panchayat clerk in the same Panchayat, on the date of occurrence, when the brother of defacto complainant came to the office, the accused attacked the defacto complainant's with hands on his face and caused simple injuries to him and when it was questioned by the defacto complainant, the accused abused him with filthy language and also made life threat against him and thereby prevented him from discharging his duty, however he concedes that the injured was treated as only out patient and that no previous case is pending against the petitioner/accused.

Considering the above facts and circumstances of the case and the nature and gravity of offences and that the injured has been sustained only simple injuries and he was treated as only out patient and that no previous case is pending against this petitioner/accused, this Court is inclined to grant anticipatory bail to the petitioner/accused with the following conditions:-

i) That in the event of arrest or on his surrender, the petitioner/accused is ordered to be released on anticipatory bail on his executing a bond for Rs.10,000/- with two sureties each for the likesum to the satisfaction of the learned Judicial Magistrate Court at Sathankulam ;

ii) that the petitioner/accused shall be abide by the conditions stipulated u/s. 438(2)(i), (ii) and (iii) of Cr.P.C. ;

iii) that the petitioner/accused shall report and sign before respondent police station daily at 10.00 a.m for a period of one month from the date of his release ;

iv) that the petitioner/accused shall surrender before the learned Judicial Magistrate Court at Sathankulam within three weeks from the date of this order, failing which, the anticipatory bail granted to the petitioner/accused shall stand dismissed automatically ;

v) that on breach of the aforesaid conditions, the learned Judicial Magistrate is entitled to take appropriate action against the petitioner/accused in accordance with law as if the conditions have been imposed by himself as laid down by **the Hon'ble Supreme Court in P.K.Shaji .vs. State of Kerala (2005 AIR SCW 5560) ;**

vi) that if the petitioner/accused, thereafter abscond, a fresh F.I.R can be registered against him u/s. 229(A) of I.P.C.

Pronounced by me in the Open Court this the 28th day of September 2022.

Principal Sessions Judge
Thoothukudi.

To

- The Judicial Magistrate, Sathankulam.
- The Inspector of Police, Sathankulam P.S., Thoothukudi.
- The Advocate for the petitioners.