

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI**

**Present : Thiru.R.GURUMURTHY.,B.Sc.,B.L.,**

**Principal Sessions Judge, Thoothukudi**

**Thursday the 13<sup>th</sup> day of October 2022**

**Cr.M.P.No.5564/2022**

1. Samuvel Caleb (26/2022)

S/o. Daniel,  
299A, South Street,  
Aasirvatham Post,  
Sathankulam Taluk,  
Thoothukudi District.

..Petitioners/Accused No.2 &3

2. Yesudhasan Yokobu (41/2022)

S/o. Daniel,  
299A, South Street,  
Aasirvatham Post,  
Sathankulam Taluk,  
Thoothukudi District.

-Vs-

State : The Inspector of Police,  
Sathankulam P.S., Thoothukudi District.  
Crime No. 281/2022

...Respondent/Complainant

Petition u/s.438 Cr.P.C., filed on 30-09-2022, prays for grant Anticipatory 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 petitioners/accused u/s. 438 of Cr.P.C. to release the petitioners/accused on anticipatory bail.

The petitioners/accused are alleged to have committed the offences u/s. 294(b), 323, 506 (i) of IPC and u/s.4 of TNPHW Act and the date of occurrence is on 28.09.2022.

Heard both sides. Perused the records.

The case of the prosecution is that on 28.09.2022 the petitioners along with other accused abused the defacto complainant with filthy language and attacked her with hands and stones and caused simple injuries to her and also made criminal intimation against her and thereby caused harassment to her.

The learned counsel for the petitioner would submit that there are totally 10 accused persons in this case and these petitioners are A2 and A3 and they are innocents and they have not at all committed any offence as alleged by the prosecution and that both the petitioners are own brothers of the defacto complainant and that due to civil dispute,

regarding the ancestral property, there was a quarrel happened between the parties and that civil suit is also pending between the parties and further that this is a case in counter and that the counter case was registered against the defacto complainant and others in Cr.No.283/2022 of the respondent polices station and that the injured in this case has been discharged from hospital and that no previous case is pending against the petitioners and that they are ready and willing to furnish sufficient sureties for their release on anticipatory bail and therefore he prays that the petitioners may be released on anticipatory bail.

The learned Public Prosecutor has raised objections to release the petitioners on anticipatory bail by stating that there are totally 10 accused persons in this case and these petitioners are A2 and A3, the defacto complainant is a farmer and accused persons are having civil dispute with the defacto complainant and civil suit is also pending between them and on the date of occurrence, when the deacto complainant and her family members were in the farm, all the accused came there and abused the defacto complainant with filthy language and attacked her with hands and stones and caused simple injuries to her, however he concedes that this is a case in counter and that the injured has been discharged from hospital on 07.10.2022 and that no previous case is pending against the petitioners/accused.

Considering the above facts and circumstances of the case and the nature and gravity of offences and that due to civil dispute, the occurrence is said to have taken place and that this is a case in counter and that the injured has been discharged from hospital and that no previous case is pending against these petitioners/accused and further that considering the close relationship and dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners/accused with the following conditions:-

i) That in the event of arrest or on their surrender, the petitioners/accused are ordered to be released on anticipatory bail on their 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 petitioners/accused shall be abide by the conditions stipulated u/s. 438(2) (i), (ii) and (iii) of Cr.P.C. ;

iii) that the petitioners/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 their release ;

iv) that the petitioners/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 petitioners/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 petitioners/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 petitioners/accused, thereafter abscond, a fresh F.I.R can be registered against them u/s. 229(A) of I.P.C.

Pronounced by me in the Open Court this the 13<sup>th</sup> day of October 2022.

Principal Sessions Judge  
Thoothukudi.

**To**

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