

IN THE COURT OF VACATION SESSIONS JUDGE (PRINCIPAL SESSIONS COURT),  
RAMANATHAPURAM

PRESENT: Thiru.R.Shanmugasundaram, B.com., L.L.B.,  
Vacation Sessions Judge,  
Principal District and Sessions Judge,  
Ramanathapuram.

திருவள்ளூர் ஆண்டு 2052 தமிழ் புதி பிலவ ஆண்டு சித்திரை மாதம் 23-ம் நாள் வியாழக்கிழமை

Thursday, the 06<sup>th</sup> day of May 2021

Cr.M.P.No. 19 of 2021

Udhayashankar, aged about 33 years, S/o. Jeyachandran, No.34/ C 85, Thangappa  
Nagar, Ramanathapuram.

...Petitioner/ Accused

/vs/

State, through the Inspector of Police,  
Bazaar P.S. Ramanathapuram  
in Cr.No. 184/2021

...Respondent/Complainant

For petitioner : Thiru.B.Murugesan, Advocate.  
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

**PETITION FILED ON 04.05.2021 FOR ANTICIPATORY BAIL U/S 438 Cr.P.C.**

**ORDER**

Heard, the submissions made by the learned counsel for the petitioner as well  
as the learned Public Prosecutor.

The respondent police has filed a case against the petitioner in Crime  
No. 184/2021 under sections 294(b), 427 and 506(ii) of Indian Penal Code .

The prosecution case is that on 27.04.202, due to wordy quarrel between both  
parties, the petitioner broken the four wheeler which was stationed in front of the  
house of the father-in-law of the defacto complainant and also abused the defacto  
complainant and threatened him with dire consequences.

The learned counsel for the petitioner would submit that the petitioner has  
falsely been implicated in this case and the petitioner is an innocent. The petitioner  
and the de-facto complainant's father-in-law are neighbours. Due to previous motive

between the petitioner and the de-facto complainant, a false case has been foisted against the petitioner. He has no previous case and he is in no way connected with this case. The injured has been discharged from hospital and most of the investigation is completed and he prays to grant anticipatory bail to the petitioner.

The learned Public Prosecutor has submitted that the petitioner is the sole accused in this case. The petitioner and the de-facto complainant's father-in-law are neighbours. There was a previous motive between them. On 27.04.2021, the petitioner has damaged the three four wheelers belongs to the de-facto complainant's father-in-law bearing Registration No. TN 65 AF 3616, TN 21 Q 8375 and TN 65 B 9959 and worth about of Rs. 1,50,000/-. Further, the investigation is in progress. Hence, he strongly objected to grant anticipatory bail to the petitioner.

Considering both side submissions, the nature of offence and progress of investigation, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

Accordingly, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No. 184 of 2021 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, without prejudice to his rights and contentions before the trial Court, on such deposit, the petitioner shall be released on anticipatory bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Ramanathapuram, on execution of a bond for Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned on 07.06.2021, failing which the order shall stand cancelled automatically. Further the petitioner should adhere to the following conditions that:

1. the petitioner make himself available for interrogation by the investigating officer as and when required during the condition period.
2. the petitioner shall not leave India without prior permission of the Court.
- 3) after execution of sureties, the petitioner shall appear and sign before the respondent police daily at 10.00 a.m for a period of 15 days only.

- 4) the petitioner and the sureties shall affix their photographs and left thumb impression in the sureties bond and the Magistrate may obtain a copy of their Aadhar Cards or Bank Pass Book to ensure their identities.
- 5) the petitioner shall not tamper with evidence or witness during the trial.
- 6) the petitioner shall not abscond during the trial.
- 7) If the petitioner fails to comply the above said conditions the bail order shall stand cancelled automatically.
- 8) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court as the case may be, is entitled to take appropriate action against the petitioner in accordance with Law as if the conditions imposed have been violated and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K. Shaji -vs- State of Kerala (2005 AIR SCW 5560).

Pronounced by me at open Court this the 6<sup>th</sup> day of May 2021

Sd/- R.Shanmugasundaram,  
Vacation Sessions Judge,  
Principal District and Sessions Judge,  
Ramanathapuram.

Copy to  
The Judicial Magistrate No.I, Ramanathapuram,  
The Public Prosecutor, Ramanathapuram.  
The Inspector of Police, Ramanathapuram Bazaar P.S.  
The Advocate concerned