

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 06th day of May 2021

Cr.M.P.No. 46 of 2021

Duraisamy, aged about 44 years, S/o. Velu, No.4/2632, North Street, Thangachimadam,
Pamban, Ramanathapuram.

...Petitioner/accused

/vs/

State, through the Inspector of Police,
Pamban P.S.
in Cr.No. 92/2021

...Respondent/Complainant

For petitioner : Thiru.G.Tamilvendan, 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. 92/2021 under sections 294 (b) and 307 of Indian Penal Code.

The case of the prosecution is that on 16.04.2021, due to previous motive
between the petitioner and the de-facto complainant, he stabbed the de-facto
complainant with knife and caused injury to him, abused with filthy languages.

The learned counsel for the petitioner would submit that the petitioner has
falsely been implicated in this case and the petitioner is an innocent. There was a
land dispute between the petitioner and the de-facto complainant, a false case has
been foisted against him. He is in no way connected with this case and he has no
previous case. Further, the petitioner already filed an anticipatory bail petition before

this Court in CrI.M.P.No. 1033 of 2021 which was dismissed on 26.04.2021. Further, the injured has been discharged from the 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. There was a land dispute between the petitioner and the de-facto complainant. On 16.04.2021, he stabbed 6 times on the de-facto complainant's right side abdomen with knife and caused grave injury to him, abused with filthy languages. Further, 18 witnesses were examined and the injured has been discharged from the hospital on 24.04.2021 and the investigation is not yet been completed and an earlier anticipatory bail application was dismissed by this Court. If he will be released on bail, he will commit similar offence and hamper the investigation. Hence, he objected to grant anticipatory bail to the petitioner.

Considering the both side submissions, the grave nature of offence, over-act as against the petitioner, possibility of committing similar offence, hampering the investigation, the investigation is not yet been completed and there is no change of circumstances from the earlier dismissal order, this Court is not inclined to grant anticipatory bail to the petitioner.

Pronounced by me in open Court this the 06th day of May 2021.

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

Copy to
The District Munsif-cum-Judicial Magistrate, Rameswaram
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Pamban P.S.
The Advocate concerned.