

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 ஸ்ரீ பிலவ ஆண்டு வைகாசி மாதம் 13-ம் நாள் வியாழக்கிழமை

Thursday, the 27th day of May 2021

CrI.M.P.No. 122 of 2021

Nethaji @ Nethaji Bose, aged about 28 years, S/o. Thirumal Azhagu, Nallangulam,
Aruppukottai Taluk. Now residing at Marakulam, Kamuthi Taluk.

...Petitioner / Accused

/vs/

State, through the Inspector of Police,
Mandalamanickam P.S.
in Cr.No. 45/2021

...Respondent/Complainant

For petitioner : Thiru. T.M.Arunkannan, Advocate.
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

PETITION FILED ON 25.05.2021 FOR ANTICIPATORY BAIL U/S 438 Cr.P.C.
ORDER

The anticipatory bail application is filed by the Petitioner/Accused in Cr.No. 45/2021 on the file of the respondent police. Notice for the said anticipatory bail application is given to the Learned Public Prosecutor.

The anticipatory bail application is taken for hearing in view of the country wide lock-down announced by the Union Government and the State Government in view of COVID-19 threat perception and hearing of the bail application is made through Jitsi Meet, sitting in my residence office and connected through Jitsi Meet to connect to both sides counsels through the technology support of the System Officer.

Both sides arguments were heard through Jitsi Meet Call.

The respondent police has filed a case against the petitioner alongwith another

in Crime No. 45/2021 under sections 294(b), 324, 506(ii) of Indian Penal Code r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act.

The prosecution case is that on 23.04.2021, there was a land dispute between the petitioner alongwith another and the de-facto complainant, they assaulted the de-facto complainant and caused injury to her, abused with filthy language and criminally intimidated her.

The learned counsel for the petitioner would submit that there are totally 2 accused and the petitioner is figured as A2. A1 was arrested and released on bail by the learned Magistrate concerned. The petitioner and the de-facto complainant are neighbours. There is a dispute between them, with regard to parking of vehicle in-front of the de-facto complainant's home. The de-facto complainant's relative is working as DSP. So, he mis-used his power and foisted a false case against him. He is an innocent. He has no previous case and he is in no way connected with this case. This is a case and case in counter. Further, the petitioner already filed an anticipatory bail petition before this Court in CrI.M.P.No.34 of 2021 which was dismissed on 13.05.2021. Further, the injured have been discharged from the hospital and most of the investigation is completed and he prays to grant anticipatory bail to the petitioner.

Per-contra, the learned Public Prosecutor has submitted that there are totally two accused in this case and the petitioner is figured as A2. A1 was arrested and released on bail by the learned Magistrate concerned. The petitioner and the de-facto complainant are neighbours. There is a dispute between them, with regard to parking of vehicle in-front of the de-facto complainant's home. On 23.04.2021, they pushed down the de-facto complainant and assaulted her nose with wooden log and caused injury to her, abused with filthy language and criminally intimidated her. Further, the very next day to the occurrence, the petitioner herein and his relatives 7 others again caused injury to the de-facto complainant and her family members with sickle and deadly weapon and the injured have admitted in Kamuthi Government Hospital and

they have been referred to Arruppukottai Government Hospital and they have been discharged from the hospital on 11.05.2021. The second occurrence, the petitioner herein has caused injury to the de-facto complainant's son. The investigation is not yet been completed and an earlier anticipatory bail petition was dismissed by this Court. Hence, he strongly objected to grant anticipatory bail to the petitioner.

Considering both side submissions, the nature of offence, subsequent offence involved by the petitioner, possibility of committing the similar offence and tampering the witnesses, 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.

Hence, this petition stands dismissed.

Pronounced by me at my residence this the 27th day of May 2021.

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

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