

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 06-ம் நாள் வியாழக்கிழமை

Thursday, the 20<sup>th</sup> day of May 2021

Spl Cr.M.P.No. 94 of 2021

Satheesh, aged about 30 years, S/o. Dharmaraj, Soorankottai Village,  
Ramanathapuram District.

... Petitioner/ Accused  
/vs/

State, through the Inspector of Police,  
Bazaar P.S. Ramanathapuram  
in Cr.No. 176/2021

... Respondent/Complainant

For petitioner : Thiru.A.Ravichandra Ramavanni, Advocate.  
For respondent : Thiru.K.N. Karunakaran, Public Prosecutor,

PETITION FILED ON 18.05.2021 FOR ANTICIPATORY BAIL U/S 438 Cr.P.C.  
ORDER

The anticipatory bail application is filed by the Petitioner/Accused in Cr.No. 176/2021 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 others in Crime No. 176/2021 under sections 147, 148, 294 (b), 323, 324, 336, 427 and 506 (ii) of Indian Penal Code.

The case of the prosecution is that on 21.04.2021, the petitioner alongwith other accused assaulted the de-facto complainant and caused injury to him, abused with filthy languages and criminally intimidated him and also damaged his property.

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 two group clashes between the neighbor villagers of the same community and a false case has been foisted against him. He is in no way connected with this case and he has no previous case. This is a case and case in counter. Further, the co-accused No.2 and 3 were released on bail by the Trial Court and the co-accused No.4 and 9 were released on anticipatory bail by this Court in CrI.M.P.No.1068 of 2021 on 30.04.2021. Further, the injured have been discharged from the hospital and the most of the investigation is completed and he prays to grant bail to the petitioners.

The learned Public Prosecutor has submitted that there are 10 named accused and others un-named accused in this case. There was a group clashes between the neighbor villagers of the same community. On 21.04.2021, the petitioner alongwith other accused assaulted the de-facto complainant and his friends head and back side with wooden log and caused injury to them, abused with filthy languages and criminally intimidated them and also damaged the de-facto complainant's two wheeler with stone. Further, the injured have been discharged from the hospital and the investigation is under progress. Further, the co-accused were released on bail by the

Trial Court and released on anticipatory bail by this Court. Hence, he opposed for granting anticipatory bail to the petitioner.

Considering both side submissions, the nature of offence, the injured have been discharged from the hospital, release of co-accused and progress of investigation, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

Accordingly, the petitioner is granted Anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Ramanathapuram on execution of bond for Rs.20,000/- with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned within 30 days from the date of this order, 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 05.00 p.m., on alternative days.
- 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 my residence this the 20<sup>th</sup> day of May 2021.

Sd/- R. Shanmuga Sundaram,  
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, Bazaar P.S. Ramanathapuram.  
The Advocate concerned.