

In the Court of Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,  
Vacation Sessions Judge/Principal Sessions Judge,  
Kanniyakumari at Nagercoil.

Wednesday, the 8<sup>th</sup> day of May, 2024.

CrI.M.P. No. 66/2024

(CNR.No.TNKK0V-000124-2024)

1. A. Kavitha W/o. Swamidhas (A1)
2. P. John Kennedy S/o. Poothathan (A2)
3. P. Vasantha W/o. John Kennedy (A3) .. Petitioners

/Vs./

Sub Inspector of Police,  
Colachel Police Station,  
Crime No.370/2020 of Colachel Police Station,  
Rep. by Public Prosecutor, Nagercoil. .. Respondent

This petition is filed by Advocate Thiru R. Augustin, u/s 438 Cr.P.C.,  
praying to grant anticipatory bail to the petitioners.

ORDER

Heard both side. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s  
147, 148, 447, 294(b), 323, 324, 307 and 506(ii) IPC @ u/s 447, 294(b), 324, 323,  
307 and 506(ii), 326 and 109 IPC.

The case of the prosecution is that the accused persons used filthy words against the informant and assaulted him and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they are in no way connected with the alleged offences as stated in the FIR and the name of the petitioners not found place in the FIR and due to previous enmity, the petitioners have been falsely implicated in this case and nothing had happened as alleged in the FIR and the injured was discharged from the hospital and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

The learned Public Prosecutor opposed the application and submitted that the defacto complainant and A2 are husband and wife and they are living separately. On 12.09.2020 this petitioner and other accused trespassed into the house of the defacto complainant and assaulted him with stick and beer bottle and A4 one Vijay was arrested on 24.04.2024 and other accused are still absconding and the investigation is not yet over and he has serious objection to grant anticipatory bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/accused and also considering the fact that the occurrence was happened on 12.09.2020 and by this time the major portion of the investigation would have been completed, this court is inclined to grant anticipatory bail to the petitioners/accused with conditions.

In the result, in the event of arrest or on their appearing before the court

concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate, Eraniel subject to the following conditions :-

1. The petitioners shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioners shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
3. The petitioners shall also make themselves available before the respondent as and when required.
4. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioners shall not leave the jurisdictional police limit without prior permission.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

Pronounced by me in open court this the 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate, Eraniel. (through e-mode)  
The Sub Inspector of Police, Colachel Police Station.  
(through court cell e-mode)  
The counsel for the petitioners.