

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 8th day of May, 2024.

CrI.M.P. No. 33/2024

(CNR.No.TNKK0V-000103-2024)

Vinoth. G, S/o. Ganapathy (A2)

.. Petitioner

/Vs./

Sub Inspector of Police,

Kottar Police Station,

Crime No. 137/2024 of Kottar Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate T.M. Jinusha, u/s 438 Cr.P.C., praying to grant anticipatory bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s 294(b), 323, 324 and 506(ii) of IPC.

The case of the prosecution is that the defacto complainant belong to DMK Party that on 20.04.2024 around 11.15 P.M. while the defacto complainant and his friend one Dhilipkumar were standing near the petty shop located near Vattavilai Junction, at that time the accused persons abused the defacto complainant and assaulted him with hand and leg caused injuries and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged in the FIR and the petitioner has no previous cases and the injured was discharged from the hospital and the earlier anticipatory bail petition in CrI.M.P. No. 2312/2024 was dismissed by the Principal Sessions Court, Kanniyakumari at Nagercoil on 26.04.2024 on the ground that the injured not yet discharged from the hospital and now the injured has been discharged from the hospital and the co-accused A1 was released on bail by the Judicial Magistrate No.II, Nagercoil on 29.04.2024 in CrI.M.P.No.3461/2024 and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that on 20.04.2024 this petitioner and three other accused abused the defacto complainant and A1 assaulted the defacto complainant with hand on his eyebrow and A2/this petitioner assaulted the defacto complainant with stone on his head and one Dhilipkumar came to rescue the defacto complainant, A1 assaulted him with iron rod on his head and A3 and A4 assaulted the defacto complainant with stick and iron rod and the injured was discharged from the hospital and the investigation is not yet over and the victim and the petitioners belongs to different community and tension prevails in that locality and he has serious objection to grant anticipatory bail to the petitioner and either this petition may be dismissed or if this petition is allowed, the petitioner may be directed to comply the condition in some other district.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital and the co-accused A1 was released on bail by the Judicial Magistrate No.II, Nagercoil on 29.04.2024, this court is inclined to grant anticipatory bail to the petitioner/accused with conditions.

In the result, in the event of arrest or on his appearing before the court concerned the petitioner is ordered to be enlarged on anticipatory bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.II, Nagercoil subject to the following conditions:-

1. The petitioner shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioner shall appear and sign before the Judicial Magistrate No.I, Thoothukudi daily twice at 10.30 A.M. and 5.00 P.M. until further orders.
3. The petitioner shall also make himself available before the respondent as and when required.
4. The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioner 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 8th day of May, 2024.

Vacation Sessions Judge.

To

The Judicial Magistrate No.II, Nagercoil. (through e-mode)

The Judicial Magistrate No.I, Thoothukudi.

The Sub Inspector of Police, Kottar Police Station. (through court cell e-mode)

The counsel for the petitioner.