

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.32/2024

(CNR.No.TNKK0V-000112-2024)

Sunil S/o. Charles (A3)

.. Petitioner

/Vs./

Inspector of Police,
Marthandam Police Station,
Crime No.345/2023 of Marthandam Police Station,
Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru M. Bino Vins Kumar, 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
147, 148, 294(b), 323, 324 and 506(ii) of IPC.

The case of the prosecution is that on 09.09.2023 at about 8.30
P.M.,when the informant went to his friend's house to drop him by his two wheeler,
the accused jointly restrained them and scolded the informant with filthy language

and assaulted him with iron rod and caused injury criminally intimidated them. Hence the charge.

The learned counsel for the petitioner submitted that in fact, the informant and his friend only created unnecessary problem with the accused and the informant gave a false petitioner before the respondent police and the respondent police also registered a false case without proper investigation and the petitioner is innocent and the injured was discharged from the hospital and the co-accused/A1 and A2 were granted anticipatory bail by the Principal Sessions Court, Nagercoil in CrI.M.P. No.5018/2023 and 6315/2023 on 20.09.2023 and 17.11.2023 respectively and the investigation is almost over 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 09.09.2023 this petitioner and 5 others waylaid the defacto complainant and his friend. Then they abused the defacto complainant and assaulted him with hand and A3 assaulted the defacto complainant and his friend with iron rod on his head and the injured was discharged from the hospital and the investigation is not yet over and co-accused was granted anticipatory bail by the Principal Sessions Court, Nagercoil on 17.11.2023 in CrI.M.P.No. 6315/2023 and if this petition is allowed, same condition is to be imposed.

Considered the argument of the learned Public Prosecutor. Considering the fact that the injured was discharged from the hospital and the co-accused was granted anticipatory bail by the Principal Sessions Court, Nagercoil on 17.11.2023 in

Crl.M.P.No. 6315/2023, 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.I, Kuzhithurai 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 Sub Inspector of Police, Eraniel Police Station daily twice at 10.00 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.I, Kuzhithurai. (through e-mode)

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

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

The counsel for the petitioner.