

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. 38/2024

(CNR.No.TNKK0V-000121-2024)

1. Arul Selsan (F.I.R. - Arul Jeniker), S/o. Sesaiya (A1)
2. Bruzlin Zenith (FIR - Jenith), S/o. Peter (A2) .. Petitioners

/Vs./

Sub Inspector of Police,
Colachel Police Station,
Crime No. 93/2024 of Colachel Police Station,
Rep. by Public Prosecutor, Nagercoil. .. Respondent

This petition is filed by Advocate Thiru P. John Xavier, 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
294(b), 323 and 506(ii) IPC.

The case of the prosecution is that on 27.04.2024 at about 3.00 P.M. the
accused abused the informant in filthy words, assaulted him with stick, caused

injuries and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they are the own brother in laws of the defacto complainant and they have not committed any offence as alleged by the prosecution and due to family dispute, this false case has been registered against the petitioner and the injured was discharged from the hospital and except the offence u/s 506(ii) of IPC, all other offences are bailable in nature and the investigation is almost over 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 petitioners are brother in laws of the defacto complainant and on 27.04.2024 these petitioners assaulted the defacto complainant with hand and the injured was discharged from the hospital and the investigation of the case is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioners/accused and though the learned Public Prosecutor objected that the investigation is not yet over, considering the fact that the injured was discharged from the hospital, 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 8th 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.