

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. 92/2024

(CNR.No.TNKK0V-000145-2024)

1. Vishnu S/o. Rethina Moni (A3)

2. Abin S/o. Rajarethinam (A4)

.. Petitioners

/Vs./

Inspector of Police,

Puthukadai Police Station,

Crime No.173/2023 of Puthukadai Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

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

ORDER

The petitioners/accused alleged to have been committed the offence u/s
341, 294(b), 323 and 506(i) IPC.

The case of the prosecution is that there is a previous enmity between
the informant and the petitioner and on 22.07.2023 at about 8.30 P.M.,when the
defacto complainant was on the way to his relative's house, the accused waylaid him
and scolded him with filthy words and when the accused 1 and 2 caught hold the
defacto complainant, the accused 1 and 4 assaulted him with hand and criminally
intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that due to previous enmity, this false case has been registered and no such occurrence took place as alleged in the FIR and only to take revenge against the petitioner, the defacto complainant lodged the complaint and the injured was discharged from the hospital and the co-accused/A1 and A2 were granted anticipatory bail by this court on 08.08.2023 in CrI.M.P. No.4141/2023 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 on 22.07.2023 this petitioners and two others waylaid the defacto complainant, and assaulted him with hand and threatened him and the injured was discharged from the hospital and investigation is not yet over. Already these petitioners assaulted the brother of defacto complainant and a case in Cr. No.152/2023 of Puthukadai police station was registered against them and this is 2nd occurrence and the co-accused were already granted bail in CrI.M.P. No.4141/2023 with condition and the same condition may be imposed on the present petitioners.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioners/accused and also considering the fact that the injured person 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 No.II, Kuzhithurai 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 Sub Inspector of Police, Aralvaimozhi Police Station daily twice at 10.00 A.M. and 5.00 P.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 No.II, Kuzhithurai. (through e-mode)

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

the Sub Inspector of Police, Aralvaimozhi Police Station. (through court cell e-mode)

The counsel for the petitioners.