

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. 8/2024

(CNR.No.TNKK00-000074-2024)

S. Vijay, S/o. Swamidhas (A4)

..Petitioner

/Vs./

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

.. Respondent

This petition is filed by Advocate Thiru R. Augustin, u/s 439 Cr.P.C.,  
praying to grant 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, 447, 294(b), 323, 324, 307 and 506(ii) of IPC @ 447, 294(b), 324, 323,  
307, 506(ii), 326 and 109 of IPC.

The case of the prosecution is that the unknown persons unlawfully  
entered into the house of the informant, abused him in filthy words, assaulted him,  
caused injuries and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he is the son of the defacto complainant and he has not committed any offence as alleged by the prosecution and his name is not found in the FIR and he has been falsely implicated in this case and the injured was discharged from the hospital and the petitioner has been in judicial custody from 24.04.2024 and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

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 this petitioner was arrested on 24.04.2024 and he has one previous case under NDPS Act and other accused are still absconding and the investigation is not yet over and he has serious objection to grant 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 petitioner/accused has been in judicial custody for the past 14 days and 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 bail to the petitioner/Accused with conditions.

In the result, the petitioner/Accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate, Eraniel and after release the petitioner shall

appear and sign before the respondent police daily at 10.00 A.M. until further orders and accordingly this petition is allowed.

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 Superintendent, District Jail, Nagercoil. (through e-Mode)  
The counsel for the petitioner.