

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. 91/2024

(CNR.No.TNKK0V-000146-2024)

1. Vishunu, S/o. Krishnan @ Krishnapillai (A1)
2. Vineeth, S/o. Krishnan @ Krishnapillai (A2) .. Petitioners

/Vs./

Inspector of Police,
Arumanai Police Station,
Crime No. 105/2024 of Arumanai Police Station,
Rep. by Public Prosecutor, Nagercoil. .. Respondent

This petition is filed by Advocate Thiru P. Balamurugan, 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
448, 294(b), 323, 324, 379(NP) and 506(i) IPC.

The case of the prosecution is that on 22.04.2024 at about 7.45 P.M.
when the informant was in his house, the accused trespassed into the house of the

informant, abused the informant in filthy words, assaulted him with wooden stick, assaulted the mother of the informant and assaulted the father of the informant with brick and snatched a chain from the informant's mother weighing two sovereigns and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and the injured was discharged from the hospital 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 2nd accused sold Ganja to public and the same was informed by the defacto complainant to the police and the police registered a case in crime No.88/2024 of Arumanai Police Station under NDPS Act. So, on 22.04.2024, these petitioners trespassed into the house of the defacto complainant and the 1st accused assaulted the defacto complainant with wooden rod all over his body and the 2nd accused assaulted the father of the defacto complainant and snatched gold chain weighing 2 sovereigns and the injured was discharged from the hospital and the investigation of the case is not yet over and the property not yet recovered and it is grievous crime. Either the petition may be dismissed or 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 petitioners/accused

and also 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 No.I, 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 stay at Madurai and appear and sign before the Judicial Magistrate No.I, Madurai daily twice at 10.30 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.I, Kuzhithurai. (through e-mode)

The Judicial Magistrate No.I, Madurai.

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

The counsel for the petitioners.