

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.59/2024

(CNR.No.TNKK0V-000134-2024)

Mahesh S/o. Muthupillai

.. Petitioner

/Vs./

Sub Inspector of Police,
Keeriparai Police Station,
Crime No. 11/2024 of Keeriparai Police Station,
Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru T. Jaya Raja 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
294(b), 323, 324 and 506(ii) of IPC.

The case of the prosecution is that on 07.04.2024 at about 8.30 P.M., the
petitioner demanded Rs.200/- from the defacto complainant and when the informant
refused to give money, the accused assaulted him with stick on his knee and then the
accused assaulted him with vettaruval and caused injury on his head and criminally
intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is the son of the defacto complainant and the defacto complainant caused nuisance to the neighbours daily in drunken mood and due to intoxication, the informant lost his control and fell down and sustained injuries on his head, but the police foisted the case against the petitioner and the injured was discharged from the hospital and the earlier application in CrI.M.P. No.2252/2024 was dismissed on 22.04.2024 on the ground that the investigation in premature stage 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 07.04.2024 this petitioner demanded Rs.200/- from his father, but he stated that he has no money. So this petitioner abused him and assaulted him with stick and then he took an aruval and inflicted cut injury on his head and the injured was discharged from the hospital and the investigation of the case is not yet over and he has serious objection to grant anticipatory bail to the petitioner and either this petition may be dismissed or if this petition is allowed, stringent condition is to be imposed.

Considered the argument of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital and the occurrence was happened on 07.04.2024 and by this time the major portion of the investigation would have been completed, 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, Boothapandy 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 Judicial Magistrate No.I, Tirunelveli daily twice at 10.30 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, Boothapandy. (through e-mode)
The Judicial Magistrate No.I, Tirunelveli.
The Sub Inspector of Police, Keeriparai Police Station. (through court cell e-mode)
The counsel for the petitioner.

