

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.78/2024

(CNR.No.TNKK0V-000127-2024)

Senthil Murugan S/o. Raj

.. Petitioner

/Vs./

Sub Inspector of Police,

Aralvaimozhi Police Station,

Crime No.134/2024 of Aralvaimozhi Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru S. Jany, u/s 438 Cr.P.C., praying to grant anticipatory bail to the petitioner.

ORDER

The petitioner/accused alleged to have been committed the offence u/s 341 and 324 of IPC and Section 4 of TNPHW Act.

The case of the prosecution is that on 13.04.2024, when the defacto complainant was coming to Chenbagaramanputhooor in a motor cycle, reached at Thovalai, the petitioner and two known persons waylaid him and snatched the key of the bike and assaulted the defacto complainant with iron rod on his head and also assaulted his mother and criminally intimidated them. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and nothing had happened as alleged in the FIR and on 13.04.2024, the defacto complainant drove his motor cycle in a drunken mood and in a rash and negligent manner, which was questioned by the petitioner and so, there was a wordy quarrel between them and the defacto complainant may be sustained injury due to fallen down from the vehicle and the injured was discharged from the hospital and the earlier application in CrI.M.P. No.2301/2024 was dismissed by the Principal Sessions Judge, Nagercoil on 26.04.2024 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 13.04.2024, the petitioner and two others wrongfully restrained the defacto complainant and forcibly snatched the key of motor bike and then on the same day at 8.00 P.M., the petitioner pelted utensils on the defacto complainant from the terrace of the building, which was questioned by the defacto complainant, so the petitioner and two others assaulted the defacto complainant and his mother with knife and stick and the earlier petition in CrI.M.P. No.2301/2024 was dismissed and the injured was discharged from the hospital and the investigation is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioner/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 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 respondent police daily at 10.00 A.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 Sub Inspector of Police, Aralvaimozhi Police Station.
(through court cell e-mode)
The counsel for the petitioner.

