

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. 46/2024

(CNR.No.TNKK0V-000111-2024)

1. Thatheyus S/o. Eliyas (A1)

2. Howtham @ Gautham Raj S/o. Yujin Raj @ Eugin Raj (A2) .. Petitioners

/Vs./

Sub Inspector of Police,

Nithiravilai Police Station,

Crime No.86/2024 of Nithiravilai Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Paul Raj, 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), 324, 307 and 506(ii) IPC.

The case of the prosecution is that there is a previous enmity between
the informant and the petitioner and on 20.04.2024 at about 8.15 P.M.,when the
informant and his friend came near Chinnathurai K.R. Puram in his motor cycle, the

accused restrained the informant and used filthy language against him and assaulted him with iron rod and wooden stick and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the counter case in crime No.85/2024 has been registered against the informant and the petitioners are innocent and nothing had happened as alleged in the FIR and the injured was discharged from the hospital and this is the 2nd application and the earlier application in CrI.M.P. No.2303/2024 was dismissed on 25.04.2024 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 19.04.2024 there was a wordy altercation between the defacto complainant and the petitioners at the polling station in the election for the Lok Sabha and then, on 20.04.2024, these petitioners abused the defacto complainant and A1 stabbed on the neck of the defacto complainant with knife and A2 assaulted the defacto complainant with wooden rod and A3 assaulted the defacto complainant with iron pipe and he sustained severe injuries and the injured was discharged from the hospital after a long period and A1 has one previous case and A2 has two previous cases and it is a case u/s 307 of IPC and weapon is to be recovered from these petitioners and the investigation is not yet over and he has serious objection to grant anticipatory bail to these petitioners and either this petition may be dismissed or if this petition is allowed, stringent condition is to be imposed.

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.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 Judicial Magistrate No.I, Thoothukudi 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.II, Kuzhithurai. (through e-mode)

The Judicial Magistrate No.I, Thoothukudi.

The Sub Inspector of Police, Nithiravilai Police Station.

(through court cell e-mode)

The counsel for the petitioners.