

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. 104/2024

(CNR.No.TNKK0V-000154-2024)

1. P. Ajith, S/o. Ponnusamy (A1)
2. Ponnusami, S/o. Kesavan (A2) .. Petitioners

/Vs./

Sub Inspector of Police,
Mondaikadu Police Station,
Crime No. 12/2024 of Mondaikadu Police Station,
Rep. by Public Prosecutor, Nagercoil. .. Respondent

This petition is filed by Advocate Thiru A. Raveendran, 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
294(b) and 506(ii) of IPC.

The case of the prosecution is that the defacto complainant is a
practicing Advocate at Eraniel courts and the petitioners and the defacto complainant

are having previous cases and on 30.08.2023 when the defacto complainant came back to home from her work place, at that time the 2nd accused spat on the pathway after using betel nut and betel leaves, which was questioned by the defacto complainant. So the accused abused the defacto complainant in the public place and threatened her. Hence the charge.

The learned counsel for the petitioners submitted that based on the direction of Judicial Magistrate, Eraniel, this case has been registered against the petitioners and already there was a pathway dispute between the defacto complainant and the petitioners and the petitioners are innocent and they have not committed any offence as alleged by the prosecution and there is no injury to the defacto complainant and the investigation of the case 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 defacto complainant is practicing advocate and the 1st accused dumped waste materials in the pathway used by the defacto complainant and the complaint was given by the defacto complainant and the case in crime No.41/2019 of Mondaikadu police station and again on 30.08.2023, the petitioners dumped waste materials and when this was questioned by the defacto complainant, the accused threatened by showing iron rod and there is no injury to the defacto complainant and the investigation of the case is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioners/accused and though the learned Public Prosecutor objected that the

investigation is not yet over, considering the fact that there is no injury to the defacto complainant, 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, Eraniel 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 respondent police daily at 10.00 A.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, Eraniel. (through e-mode)

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

The counsel for the petitioners.