

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 8<sup>th</sup> day of May, 2024.

CrI.M.P. No.79/2024

(CNR.No.TNKK0V-000128-2024)

Kanagamani S/o. Packiamani

.. Petitioner

/Vs./

Sub Inspector of Police,

Aralvaimozhi Police Station,

Crime No.122/2024 of Aralvaimozhi Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru M. Ganesh, 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  
294(b), 324, 341, 435 and 506(ii) IPC and Section 4 of TNPHW Act.

The case of the prosecution is that the defacto complainant is the former  
driver of the petitioner and on 30.03.2024 at about 6.30 P.M.,when the defacto  
complainant along with his mother came in a motor cycle bearing Regn. No.TN 75 H  
9964, which belongs to his uncle, the petitioner waylaid them and used filthy words  
against them and tried to assault the defacto complainant with aruval, which was  
prevented by his mother and she sustained blood injury on her left thumb and set fire

the motor cycle and then the petitioner assaulted the defacto complainant with knife on his left eyebrow and right wrist and also 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 when the defacto complainant was working as driver with the petitioner, he misappropriated the amount, which was received by him as hire and hence, the petitioner removed him from the job and asked the amount of Rs.40,000/- which was misappropriated by him and due to that vengeance, he lodged a false complaint against the petitioner and the injured was discharged from the hospital and the earlier application in CrI.M.P. No.2288/2024 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 the defacto complainant is the former driver of the petitioner and there is previous enmity between them and on 30.03.2024, the petitioner waylaid the defacto complainant and his mother and abused them and then this petitioner attempted to inflict cut injury with aruval on the defacto complainant, but the mother of the defacto complainant rescue him and so she sustained injury on her left hand and then this petitioner set fire to the two wheeler of the defacto complainant and one Reagan snatched the aruval from the petitioner and threw away and then this petitioner took a knife from the lap and stabbed on the left eyebrow and right wrist of the defacto complainant and so, considering the gravity of offence, the earlier application in

CrI.M.P. No.2288/2024 was dismissed and investigation is not yet over and in the event of considering this application, stringent condition may be imposed.

Considered the objection 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, 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 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 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 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate, Boothapandy. (through e-mode)  
The Judicial Magistrate No.I, Madurai.  
The Sub Inspector of Police, Aralvaimozhi Police Station.  
(through court cell e-mode)  
The counsel for the petitioner.