

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. 55/2024

(CNR.No.TNKK0V-000130-2024)

Reji Kumar @ Raju Kumar,

S/o. Thulasidharan Nair

.. Petitioner

/Vs./

Sub Inspector of Police,

Palugal Police Station,

Crime No. 41/2024 of Palugal Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Chellappan, 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) and 448 of IPC and Section 4 of TNPHW Act.

The case of the prosecution is that on 26.04.2024 the accused went to the house of the defacto complainant, abused the informant in filthy language and asked to sleep with him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he has not committed any offence as alleged in the FIR and the real fact is that the informant and four named accused assaulted the petitioner and a complaint has been registered against them in CSR No.227/2024 and to escape from the clutches of law, this false case has been foisted against the petitioner and the investigation of the case is almost over 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 a widow. Already this petitioner trespassed into the house of the defacto complainant and molested her and a case in Crime No.160/2021 of Palugal Police Station has been registered against the petitioner and again on 26.04.2024 at 10.30 P.M. this petitioner knocked the door of the house of the defacto complainant and called the defacto complainant to have sexual intercourse with him 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, the petitioner may be directed to comply the condition in some other district.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioner/accused and other facts and circumstances of the case, 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 No.I, Kuzhithurai 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, 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 8th day of May, 2024.

Vacation Sessions Judge.

To

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

The Judicial Magistrate No.I, Madurai.

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

The counsel for the petitioner.