

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. 42/2024

(CNR.No.TNKK0V-000119-2024)

1. Mathan S/o. Narayanan (A1)

2. Selvam S/o.Narayanan (A2)

.. Petitioners

/Vs./

Sub Inspector of Police,

Kanyakumari Police Station,

Crime No.200/2024 of Kanyakumari 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
294(b), 323 and 506(i) IPC and Section 4 of TNPHW Act, 2002.

The case of the prosecution is that on 22.04.2024 at about 10.00
P.M.,when the defacto complainant was in his house, the accused went there and A1
argued with the defacto complainant and his grandmother and used filthy words
against them, assaulted them and criminally intimidated them. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are
innocent and nothing had happened as alleged in the FIR and they have been falsely

implicated in this case and the earlier application in CrI.M.P. No.2336/2024 was dismissed on 26.04.2024 by the Principal Sessions Judge, Nagercoil on the ground that the injured person is not yet discharged from the hospital and investigation is preliminary stage and now the change of circumstances investigation is almost over and the injured person was discharged from the hospital 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 petitioners assaulted the defacto complainant and his grandmother and totally there are two injured persons in this case and the injured have been discharged from the hospital 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 the injured have been 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, Additional Mahila Court, Nagercoil 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, Additional Mahila Court, Nagercoil 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, Additional Mahila Court, Nagercoil (through e-mode)
The Sub Inspector of Police, Kanyakumari Police Station.
(through court cell e-mode)
The counsel for the petitioners.