

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. 62/2024

(CNR.No.TNKK0V-000137-2024)

1. Mohamad Sameer, S/o. Saleem (A1)
2. Ajay, S/o Suresh (A2)
3. Muges, S/o Moorthy (A3) .. Petitioners

/Vs./

Sub Inspector of Police,  
Eraniel Police Station,  
Crime No.146/2024 of Eraniel Police Station,  
Rep. by P.P. Nagercoil. .. Respondent

This petition is filed by Advocate Thiru P. Subramonian, 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  
147, 341, 294(b), 323, 324, 379(NP) and 506(ii) of IPC.

The case of the prosecution is that on 11.04.2024 the accused persons  
wrongfully restrained the defacto complainant and his father while they were going in  
a bike and assaulted the defacto complainant with bike key and attacked the father of

the defacto complainant and took away the mobile phone and Rs.26,340/- from the defacto complainant and also criminally intimidated them. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged in the FIR and no such occurrence was happened as alleged in the FIR and in respect of 1<sup>st</sup> petitioner, the earlier anticipatory bail petition in CrI.M.P.No.2283/2024 was dismissed on 24.04.2024 and in respect of petitioners 2 and 3, the earlier anticipatory bail petition in CrI.M.P.No.2272/2024 was dismissed on 23.04.2024 by the Principal Sessions Court, Nagercoil 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 11.04.2024 these petitioners and twoothers waylaid the defacto complainant and abused him and the 1<sup>st</sup> accused stabbed on the head of the defacto complainant with key of the bike and then the other accused snatched a mobile phone and a cash of Rs.26,340/- and ATM Card from the defacto complainant and the properties not yet recovered and the injured was discharged from the hospital and the investigation of the case is not yet over and the 1<sup>st</sup> accused has one previous case registered under NDPS Act, A2 has two previous cases under NDPS Act and A3 has three previous cases under NDPS Act and he has serious objection to grant anticipatory bail to the petitioners and either this petition may be dismissed or if this petition is allowed, the petitioners may be directed to comply the condition in some other district.

Considered the argument 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 and the occurrence was happened on 11.04.2024 and by this time the major portion of the investigation would have been completed, 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 Judicial Magistrate No.I, Tirunelveli 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, Eraniel. (through e-mode)

The Judicial Magistrate No.I, Tirunelveli.

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

The counsel for the petitioners.