

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. 49/2024

(CNR.No.TNKK0V-000104-2024)

1. Harish, S/o. Kumaraswamy (A1)

2. Bill Clinton, S/o. Joseph (A2)

.. Petitioners

/Vs./

Sub Inspector of Police,

Nesamony Nagar Police Station,

Crime No. 62/2024 of Nesamony Nagar 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 petitioners.

ORDER

Heard both side. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s
294(b), 324 and 506(ii) IPC.

The case of the prosecution is that on 28.04.2024 at about 4.15 P.M. due
to previous enmity, the accused abused the informant in filthy words, assaulted him
with beer bottle and plastic chair, caused injuries and also criminally intimidated
him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and the injured was discharged from the hospital and the investigation is almost over and the informant is a rowdy element and he has several cases 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 already the defacto complainant assaulted the 1st accused and a case was registered by the Kottar Police Station and there was a previous enmity between them. On 28.04.2024 these petitioners and another one accused abused the defacto complainant and assaulted him with beer bottle and the injured was discharged from the hospital and the investigation of the case is not yet over and A2 has three previous cases and in the event of considering this application, A2 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 petitioners/accused and also considering the fact that the injured was 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 No.II, 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 Judicial Magistrate No.II, Nagercoil daily at 10.30 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 No.II, Nagercoil. (through e-mode)
The Sub Inspector of Police, Nesamony Nagar Police Station. (through court cell e-mode)
The counsel for the petitioners.