

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.

Crl.M.P. No.67/2024 (CNR.No.TNKK0V-000144-2024)

and

Crl.M.P. No.95/2024 (CNR.No.TNKK0V-000152-2024)

Sudalaimani S/o. Jeganathan .. Petitioner in Crl.M.P. No.67/2024

S. Rajavelu S/o. Sudalaiyandi (A1) .. Petitioner in Crl.M.P. No.95/2024

/Vs./

Sub Inspector of Police,

Anjugramam Police Station,

Crime No. 110/2024 of Anjugramam Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

These two petitions are filed by Advocate Thiru M. Suresh Vijayakumar and Thiru P. Sakthivel respectively u/s 438 Cr.P.C. praying to grant anticipatory bail to the petitioner in both petitions.

COMMON ORDER

Heard both sides. Perused the petitions.

These two petitions filed by different accused, but in the same crime number.

The petitioners/accused alleged to have been committed the offences u/s 294(b), 323, 342, 324, 427, 506(ii) and 307 of IPC.

The case of the prosecution is that on 31.03.2024 at about 10.45 P.M., the accused came to the hotel and asked three chicken 65 parcel, but the server said that there were only two parcel available in the hotel and when the informant requested to get the chicken 65 parcel from another shop, the pushed down an aluminum grill rod which was in front of the shop and Rajeshlamba pushed the accused Jegansingh and said go outside and the accused took a knife and empty 7-up bottles thereby they caused hurt on Rajeshlamb's rib, stomach and neck and criminally intimidated him. Hence the charge.

The learned counsel for the petitioner in Crl.M.P. No.67/2024 submitted that the occurrence was happened on 31.03.2024, but the information was given only on 03.04.2024 by the informant who is the owner of the hotel and there is no sufficient reason for delay and the petitioner is innocent and he is in no way connected with the alleged occurrence and the earlier application in Crl.M.P. No.2214/2024 was dismissed by the Principal Sessions Judge, Nagercoil on 18.04.2024 and the injured was discharged from the hospital and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned counsel for the petitioner in Crl.M.P. No.95/2024 submitted that there is a delay of 3 days in lodging the complaint by the complainant and no proper reason stated for the delay and the earlier application in Crl.M.P. No.2251/2024 was dismissed by the Principal Sessions Judge, Nagercoil on 24.04.2024 by stating Section altered to 307 IPC and the injured not discharged from

the hospital and now the injured was discharged from the hospital and the investigation of the case is 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 on 31.03.2024 at 10.45 P.M. this petitioner and two others went to a hotel run by the defacto complainant to purchase chicken 65, but chicken 65 was not available in the hotel. So there was a wordy altercation between the supplier and this petitioner and other accused. This petitioner and other accused damaged the cool drinks bottle and this petitioner and another one accused caught hold the supplier, A1 stabbed him with broken bottle on his stomach and he sustained severe injury and the injured was discharged from the hospital and the investigation of the case is not yet over and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital and the occurrence was happened on 31.03.2024 and by this time the major portion of the investigation would have been completed, this court is inclined to grant bail to the petitioner/Accused in both petitions 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.III, 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 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.III, Nagercoil. (through e-mode)
The Sub Inspector of Police, Anjugramam Police Station. (through court cell e-mode)
The counsel for the petitioner in both petitions.