

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. 82/2024

(CNR.No.TNKK0V-000126-2024)

1. Christopher John @ Christoher John, S/o. Varuvel (A1)
2. Christal, W/o. Christopher John @ Christoher John (A2) .. Petitioners

/Vs./

Sub Inspector of Police,  
Puthukadai Police Station,  
Crime No. 107/2024 of Puthukadai Police Station,  
Rep. by Public Prosecutor, 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

Heard both side. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s  
448, 294(b), 323, 324 and 506(ii) of IPC.

The case of the prosecution is that on 08.04.2024 at about 4.30 P.M. due  
to property dispute between the accused and the defacto complainant, the accused

trespassed into the house of the defacto complainant, abused the informant in filthy words, assaulted him and his mother, caused injuries 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 by the prosecution and the injured was discharged from the hospital and a counter case in Crime No.108/2024 was register against the informant and others and except the offence u/s 506(ii) of IPC, all other offences areailable in nature and the earlier anticipatory bail petition in CrI.M.P.No. 2276/2024 was dismissed by the Principal Sessions Court, Nagercoil on 26.04.2024 and the investigation of the case is almost over 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 these petitioners are husband and wife and due to property dispute, on 08.04.2024, these petitioners trespassed into the house of the defacto complainant and A1 assaulted on the testicle of the defacto complainant with iron rod and he sustained severe injury and A2 assaulted the mother of the defacto complainant with hand and the earlier application in CrI.M.P. No.2276/2024 was dismissed on the ground that the injured/defacto complainant was hospitalized for 17 days and now he was discharged from the hospital.

Considering the nature of the offences alleged to have been committed by the petitioners/accused and considering the submission of the learned counsel for

the petitioners this is a case in counter 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, Kuzhithurai 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.II, Kuzhithurai. (through e-mode)

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

The counsel for the petitioners.