

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.

Thursday, the 16th day of May, 2024.

CrI.M.P. No. 41/2024

(CNR.No.TNKK0V-000105-2024)

and

CrI.M.P. No. 73/2024

(CNR.No.TNKK0V-000141-2024)

J. Jeyan, S/o. Jayabalan (A1) .. Petitioner in CrI.M.P.No.41/2024

I. Ramesh Kumar, S/o. Iyappan (A2) .. Petitioner in CrI.M.P.No.73/2024

/Vs./

Sub Inspector of Police,

Kanyakumari Police Station,

Crime No. 215/2024 of Kanyakumari Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

These two petitions are filed by Advocates Tvl. N. Sivakumar and 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 are filed by different accused, but in same crime number.

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

The case of the prosecution is that on 28.04.2024 at about 12.30 P.M., the accused trespassed into the defacto complainant's house, abused the defacto complainant in filthy words, assaulted him with wood, caused injuries and also criminally intimidated him Hence the charge.

The learned counsel for the petitioner in CrI.M.P.No.41/2024 submitted that the petitioner is innocent and he has not committed any offence as alleged in the FIR 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 CrI.M.P.No.73/2024 submitted that the defacto complainant and his cousin Rajesh and the accused are close relatives and the defacto complainant's cousin got a quarrel with one Manoharan and A1 in Kanyakumari Beach area and hearing upon the said news, the accused 2 and 3 rushed and settled the problem amicably with the help of elders and the complainant is not willing to give any complaint, but the respondent police voluntarily threatened the complainant, received the complaint and registered a false FIR against the accused and the petitioner has not involved in any offence and he has been falsely implicated in this case and the injured got treatment only as an outpatient and A3 was arrested and released on bail by the lower court in CrI.M.P. No.3489/2024, dated 03.05.2024 and the petitioner has no previous cases 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 28.04.2024, these petitioners and another one accused abused the defacto complainant and A1 and A2 assaulted him with iron rod and A3 assaulted him with glass piece 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 anticipatory bail to these petitioners and both petitions may be dismissed.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the argument of the learned counsel for the petitioner/A2 that the the co-accused A3 was arrested and released on bail by the lower court on 03.05.2024 in CrI.M.P. No.3489/2024 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 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.I, 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 16th day of May, 2024.

Vacation Sessions Judge.

To
The Judicial Magistrate No.I, Nagercoil. (through e-mode)
The Sub Inspector of Police, Kanyakumari Police Station. (through court cell
e-mode)
The counsel for the petitioner in both petitions.