

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. 140/2024

(CNR.No.TNKK0V-000223-2024)

Bercilin, S/o. Stephen (A1)

.. Petitioner

/Vs./

Inspector of Police,

Colachel Police Station,

Crime No. 76/2024 of Colachel Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru C. Jeffino, u/s 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s
294(b), 323, 452 of IPC and Section 4 of TNPHW Act.

The case of the prosecution is that on 11.04.2024 at about 12.00 P.M.
the accused persons trespassed into the house of the defacto complainant, abused her
in filthy words, assaulted her with hands and also criminally intimidated her. Hence
the charge.

The learned counsel for the petitioner submitted that the petitioner is

innocent of the offences alleged against him and he has not committed any offence as alleged in the FIR and the injured was discharged from the hospital and the co-accused A2 was released on bail by the Judicial Magistrate, Eraniel on 17.04.2024 in CrI.M.P.No. 1393/2024 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 11.04.2024, this petitioner and other accused trespassed into the house of the defacto complainant and attempted to stolen and when she raised alarm, the petitioner assaulted her with hand and leg and the injured was discharged from the hospital and A2 was arrested and released on bail and the investigation of the case is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital and the co-accused/A2 was released on bail by the lower court, this court is inclined to grant anticipatory bail to the petitioner/accused with conditions.

In the result, in the event of arrest or on his appearing before the court concerned the petitioner is ordered to be enlarged on anticipatory bail on his 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 petitioner shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
3. The petitioner shall also make himself available before the respondent as and

when required.

4. The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioner 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, Eraniel. (through e-mode)

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

The counsel for the petitioner.