

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 16<sup>th</sup> day of May, 2024.

CrI.M.P. No.40/2024

(CNR.No.TNKK0V-000120-2024)

Abishek S/o. Kathiravan (A3)

.. Petitioner

/Vs./

Sub Inspector of Police,

Marthandam Police Station,

Crime No.125/2024 of Marthandam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru Prem Sahayadhas, 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  
341, 294(b), 324, 323 and 506(ii) of IPC.

The case of the prosecution is that on 01.04.2024 at about 9.00 P.M.,  
when the informant was going to near the house of A3 in his two wheeler, A3  
restrained the informant, abused him using filthy language and assaulted him on his  
chest with hands and when it was questioned by the informant, A1 assaulted him on

his head with iron rod and A2 assaulted him with stone and when he fell down, all the accused kicked him on his stomach and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and the injured was discharged from the hospital and the co-accused/A1 and A2 were granted bail by the Judicial Magistrate No.I, Kuzhithurai on 06.04.2024 in CrI.M.P. Nso.4478/2024 and 4483/2024 respectively and the investigation is almost 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 01.04.2024, this petitioner waylaid the defacto complainant and assaulted him with hand and other two accused assaulted him with iron rod and stone and the injured was discharged from the hospital 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 though the learned Public Prosecutor objected that the investigation is not yet over, considering the fact that the injured was discharged from the hospital, 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 No.I, Kuzhithurai 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 16<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate No.I, Kuzhithurai. (through e-mode)  
The Sub Inspector of Police, Marthandam Police Station. (through court cell e-mode)  
The counsel for the petitioner.