

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. 131/2024

(CNR.No.TNKK0V-000226-2024)

1. Ratheesh @ Rethesh S/o. Krishnan Kutty (A2)

2. Raji @ Reji S/o. Natarajan (A3)

.. Petitioners

/Vs./

Sub Inspector of Police,

Nithiravilai Police Station,

Crime No.81/2024 of Nithiravilai Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

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

ORDER

The petitioners/accused alleged to have been committed the offence u/s  
341, 294(b), 323, 324 and 506(ii) IPC.

The case of the prosecution is that on 16.04.2024 at about 5.30 P.M., the  
petitioners wrongfully restrained the defacto complainant by using filthy language  
and assaulted him and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are  
innocent of the offences alleged against them in the FIR and they are in no way

connected with the alleged occurrence and the injured was discharged from the hospital and the earlier application in CrI.M.P. No.2244/2024 was dismissed by the Principal Sessions Court, Nagercoil on 24.04.2024 on the ground that both the petitioners are having previous cases and now the change of circumstance is that the investigation is over and in previous cases, they are on bail 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 on 15.04.2024, these petitioners and another one accused waylaid the defacto complainant and assaulted him with stick and iron rod and then the other persons came to rescue, the defacto complainant these petitioners assaulted them with stick and iron rod and totally 4 injured persons in this case and all the injured persons were discharged from the hospital and the investigation of the case is not yet over and A2 is having three previous cases and A3 is also having three previous cases and the earlier application in CrI.M.P. No.2244 was dismissed on the ground that these petitioners are having each 3 previous cases and 4 injured persons in this case and in the event of considering this application, stringent condition may be imposed.

Considering the fact that the earlier application was dismissed on the ground that the petitioners/A2 and A3 are having three previous cases and 4 persons were injured in the alleged occurrence and there is no change of circumstances, this court is not inclined to grant anticipatory bail to the petitioners/accused. Hence, this petition is dismissed.

In the result, this petition is dismissed.

Pronounced by me in open court this the 16<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.