

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.

Crl.M.P. No. 80/2024

(CNR.No.TNKK0V-000139-2024)

and

Intervening Petition in Crl.M.P. No. 114/2024

(CNR.No.TNKK0V-000158-2024)

1. Anand @ Anandh S/o. Murugan (A1)
2. Anith S/o. Murugan (A2) .. Petitioners in Crl.M.P.No.80/2024

/Vs./

T. Jegatheesh .. Intervening Petitioner/Defacto
complainant

Sub Inspector of Police,

Eraniel Police Station,

Crime No.163/2024 of Eraniel Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

Crl.M.P.No. 80/2024 is filed by Advocate Thiru P. Subramonian, u/s 438

Cr.P.C. praying to grant anticipatory bail to the petitioner and the intervening petition

in Crl.M.P. No.114/2024 is filed by Advocate Thiru R. Suresh Babu, on behalf of the

Intervenor/defacto complainant praying to dismiss the anticipatory bail petition in

Crl.M.P. No. 80/2024.

ORDER

Heard both side. Perused the anticipatory bail petition and the intervening petition.

The petitioners/accused alleged to have been committed the offence u/s 341, 294(b), 324, 379(NP) and 506(ii) of IPC.

The case of the prosecution is that on 22.04.2024 at about 10.30 P.M., while the defacto complainant and his friend were going to a housewarming function, the petitioners wrongfully restrained the defacto complainant and used filthy words against the defacto complainant and caused hurt to him with stone and knife and took away 3 sovereign of gold chanin and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners never did any such act and they do not know the occurrence and came to know about the case only now and the petitioners are innocent and they are in no way connected with the alleged offences as stated in the FIR and and the injured was discharged from the hospital and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

During enquiry, the defacto complainant filed an intervening petition and that petition was numbered as CrI.M.P.No. 114/2024. The intervening petitioner is permitted to intervene.

The learned counsel for the intervening petitioner submitted that on 22.04.2024 at about 10.30 P.M., the accused persons wrongfully restrained the defacto complainant and assaulted him with stone and knife and he sustained severe

injuries. The investigation Officer did not take any action to arrest the petitioners and for the past 17 days, the defacto complainant was admitted as inpatient in the Government Hospital, Asaripallam and now he is admitted in the plastic surgery ward. The petitioners are under political influential persons and during the time of occurrence, the petitioners stolen a golden chain weighing 3 sovereigns from the defacto complainant and the property not yet recovered and now the petitioners threatened the defacto complainant to withdraw the case and also they were threatened the witnesses. Now the petitioners threatened the defacto complainant and told that one Muthu Krishnan, who is working as Sub Inspector of Police, Eraniel is their relative and with the help of above said Muthukrishnan, false case will be registered against the defacto complainant. On 15.05.2024 the injured was discharged from the plastic surgery ward and now he is admitted in the private hospital. Now the petitioners threatened the defacto complainant and the defacto complainant gave a petition before the Superintendent of Police, Nagercoil and FIR has been registered against the petitioners. If the petitioners are enlarged on anticipatory bail, it will be endangerous to his life and his family members and the investigation of the case is in the initial stage and the anticipatory bail petition may be dismissed.

The learned Public Prosecutor opposed the application and submitted that on 22.04.2024 at 10.30 P.M. these petitioners waylaid the defacto complainant and assaulted him with stone and knife on his nose and left eyebrow and A1 snatched his golden chain weighing 3 sovereigns and the chain not yet recovered and the injured discharged from the Government Hospital and the investigation is not yet

over and he has serious objection to grant anticipatory bail to the petitioners and the petition may be dismissed.

When the matter was heard first, the counsel for the intervening petitioner offered to produce the copy of the FIR filed against the petitioners with regard to the alleged threat made by the petitioners to the witnesses and also the documentary proof to show that the victim has been admitted in the private hospital after being discharged from the Government Hospital. However, the same has not been produced. Therefore, this court does not find any material in support of the contentions of the learned counsel for the intervening petitioner. In the light of the same and upon considering the nature of the offences alleged to have been committed by the petitioners/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 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, Eraniel 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, Eraniel. (through e-mode)
The Sub Inspector of Police, Eraniel Police Station. (through court cell e-mode)
The counsel for the petitioners.