

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. 60/2024

(CNR.No.TNKK0V-000133-2024)

Manoharan S/o. Rethinamoni (A1)

.. Petitioner

/Vs./

Inspector of Police,
Kotticode Police Station,
Crime No.70/2024 of Kotticode Police Station,
Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru T. Jaya Raja Kumar, 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), 341, 323, 324 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, 2002 .

The case of the prosecution is that on 26.04.2024 at about 5.30 P.M.,
when the petitioner was tried to construct a compound wall by encroaching the public
pathway, the informant raised objection and some wordy quarrel happened and as a

result, the petitioner assaulted the informant and a lady who came to rescue him and also criminally intimidated them. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and a counter case in crime No.71/2024 has been registered against the informant and due to political vengeance, this false case has been foisted against the petitioner 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 Public Prosecutor opposed the application and submitted that on 26.04.2024 this petitioner and three other accused attempted to construct the compound wall encroaching the road, which was questioned by the defacto complainant. so the petitioner and others assaulted him with ninjak on his head and another one lady also assaulted by the petitioners and the injured were 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 were 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, Padmanabhapuram 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 No.I, Padmanabhapuram. (through e-mode)
The Sub Inspector of Police, Kotticode Police Station. (through court cell e-mode)
The counsel for the petitioner.