

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. 165/2024

(CNR.No.TNKK0V-000234-2024)

Libin Arokiya Selvan

S/o. Alex Antony Selvan

.. Petitioner

/Vs./

Inspector of Police,

Karungal Police Station,

Crime No. 100/2024 of Karungal Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Tmt A. Geetha, 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
323, 379(N) of IPC @ 294(b), 323 and 379(NP) of IPC.

The case of the prosecution is that on 01.04.2024 at about 11.30 P.M.,
the accused abused the defacto complainant in filthy language, assaulted him, caused
injuries and at that time the defacto complainant's chain was missing. Hence the
charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he is in no way connected with this case and no such occurrence was happened and due to previous enmity, this false case has been foisted against the petitioner and there is no specific overt act attributed 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 the injured was discharged from the hospital and A1 to A3 were arrested by the police and released on station bail.

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 also considering the submission of the learned Public Prosecutor that A1 to A3 were released on station bail, 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, Karungal Police Station. (through court cell e-mode)
The counsel for the petitioner.