

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. 123/2024

(CNR.No.TNKK0V-000211-2024)

Pushparaj, S/o. Bonipas (A1)

.. Petitioner

/Vs./

Sub Inspector of Police,

Thuckalay Police Station,

Crime No. 218/2024 of Thuckalay Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru D. Soundar Raj, 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  
147, 148, 294(b), 323, 324, 342 379 and 506(ii) of IPC and Section 4 of Tamil Nadu  
Prohibition of Harassment of Women Act, 2002.

The case of the prosecution is that on 30.03.2024 at about 6.30 A.M.  
while the defacto complainant and her husband were in their shop near  
Mulagumoodu main road, the accused came there demanded Rs.500/- from the  
defacto complainant as debt, when defacto complainant refused to give money, the

accused abused the informant in filthy words and made disgust to the defacto complainant by lifting his dhoti. Again on the same day at about 7.00 A.M. the accused persons came to the defacto complainant's shop and pulled the hair of the defacto complainant and assaulted the husband of the defacto complainant with knife and stick, caused injuries and stolen Rs.12,000/- from the defacto complainant and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is the neighbour of the defacto complainant and the petitioner is innocent and he has not committed any offence as alleged in the FIR and due to previous enmity, this false case has been foisted against the petitioner and the injured was discharged from the hospital and the co-accused A2 and A3 were released on bail by the Judicial Magistrate No.I, Padmanabhapuram on 15.04.2024 in CrI.M.P.No.2616/2024 and the earlier anticipatory bail petition in CrI.M.P.No.2341/2024 was dismissed by the Principal Sessions Court, Nagercoil on 26.04.2024 and the investigation of the case 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 30.03.2024 this petitioner demanded Rs.500/- from the defacto complainant as debt, but she refused to give money. So the petitioner outraged the modesty of the defacto complainant by lifting his dhoti and after some time this petitioner and six others came there and this petitioner pulled the hair of the defacto complainant. The husband of the defacto complainant came to rescue her, A2 stabbed the husband of the defacto complainant with knife on his right palm and A3 assaulted the defacto

complainant with iron rod on her head and others assaulted the defacto complainant with hand and A3 stolen Rs.12,000/- from the defacto complainant the injured was hospitalized for 17 days and now she is discharged from the hospital and the investigation is not yet over and the earlier application in CrI.M.P. No.2341/2024 was dismissed on the ground that the injured was hospitalized for 17 days and the co-accused are also absconding and in the event of considering this application, stringent condition may be imposed.

Considered the objection of the learned Public Prosecutor. 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 the occurrence was happened on 30.03.2024 and by this time, the major portion of the investigation would have been completed, 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 stay at Madurai and appear and sign before the Judicial Magistrate No.I, Madurai daily twice at 10.30 A.M. and 5.00 P.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, Padmanabhapuram.(through e-mode)  
The Sub Inspector of Police, Thuckalay Police Station. (through court cell e-mode)  
The counsel for the petitioner.