

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. 167/2024

(CNR.No.TNKK0V-000232-2024)

Dhanabalan,

S/o. Madhavadiyan @ Mathavadiyan

.. Petitioner

/Vs./

Sub Inspector of Police,

Asaripallam Police Station,

Crime No. 41/2024 of Asaripallam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru C. Saravanan, 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), 324, 447 and 506(ii) of IPC.

The case of the prosecution is that on 02.05.2024 at about 3.00 P.M., due  
to land dispute, the accused abused the defacto complainant in filthy language,  
assaulted him with broken beer bottle, caused injuries and also criminally intimidated  
him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged in the FIR and the real fact is that due to land dispute, the defacto complainant assaulted the petitioner, he sustained injury and he was admitted in the Government Medical College Hospital, Asaripallam and the wife of the petitioner had given a counter complaint against the defacto complainant, but the respondent police has not taken any action against the defacto complainant and the petitioner has been falsely implicated in this case 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 defacto complainant and this petitioner are brothers and there is a property dispute between them and on 02.05.2024, this petitioner abused the defacto complainant and stabbed him with beer bottle and sustained injuries on his left palm and fingers and the injured was 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 of the case 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 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, Nagercoil 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 16<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate No.I, Nagercoil (through e-mode)  
The Sub Inspector of Police, Asaripallam Police Station. (through court cell e-mode)  
The counsel for the petitioner.

