

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. 141/2024

(CNR.No.TNKK01-000224-2024)

1. Sanjay, S/o Selvan (A4)

2. Ajith, S/o Ramadhas (A5)

.. Petitioners

/Vs./

Sub Inspector of Police,

Nesamony Nagar Police Station,

Crime No. 49/2024 of Nesamony Nagar Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Chellappan, u/s 438 Cr.P.C.,  
praying to grant anticipatory bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s  
147, 148, 294(b), 323, 324, 307, 506(ii) r/w 109 of IPC.

The case of the prosecution is that the informant was standing in a tasmac bar near Camp road, at that time the accused persons unlawfully assembled together, abused the informant in filthy words, assaulted the informant with beer bottle, caused injuries and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and they have not committed any offence as alleged by the prosecution and the injured was discharged from the hospital and the co-accused A3 and A6 were granted bail by the Principal Sessions Court, Nagercoil on 26.04.2024 in CrI.M.P.No.2326/2024 and on 25.04.2024 in CrI.M.P.No.2255/2024 and the investigation of the case is almost over and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

The learned Public Prosecutor opposed the application and submitted that on 14.04.2024 these petitioners and four others were drinking beer in front of tasmac shop obstructing pathway, which was questioned by the defacto complainant. So these petitioners and other accused assaulted the defacto complainant with beer bottle and he sustained severe injury all over the body and the injured was discharged from the hospital and the investigation is not yet over and totally six accused in this case and out of six accused, three accused have been taken into custody and the petitioners have no previous cases and he has serious objection to grant anticipatory bail to the petitioners and the petition may be dismissed.

Considered the argument of the learned Public Prosecutor. Considering the nature of the offence alleged to have been committed by the petitioners/ accused and also considering the fact that the injured has been discharged from the hospital and the co-accused were released on bail and the occurrence was happened on 14.04.2024 and by this time the major portion of the investigation would have been completed, this court is inclined to grant anticipatory bail to the 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 No.II, Nagercoil 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 No.II, Nagercoil. (through e-Mode)  
The Sub Inspector of Police, Nesamony Nagar Police Station. (through court cell  
e-Mode)  
The counsel for the petitioners.