

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. 156/2024

(CNR.No.TNKK0V-000209-2024)

Bagavathiyappan @ Bhagavathiappan, (A1)

S/o Thanu Moorthy

.. Petitioner

/Vs./

Sub Inspector of Police,

Vadasery Police Station,

Crime No. 127/2024 of Vadasery Police Station

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru C. Saravanan, u/s 439 Cr.P.C.,  
praying to grant 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), 323, 324, 307 and 506(ii) of IPC.

The case of the prosecution is that on 09.05.2024 at 8.40 P.M., the  
accused persons abused the defacto complainant by using filthy words and assaulted

him with small knife on his left abdomen, 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 due to some personal antagonism, he has been falsely implicated in this case and the petitioner has been in judicial custody from 10.05.2024 and he is a heart patient and the injured was discharged from the hospital and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that the defacto complainant is working as a supplier in a recognized bar and on 09.05.2024 this petitioner and another one accused went to the bar to consume liquor and they collected Rs.10/- sticker from the empty bottles, which was questioned by the defacto complainant. So the petitioner stamped the abdomen of the defacto complainant and A2 assaulted him with hand and the injured was discharged from the hospital and the investigation of the case is not yet over and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital, this court is inclined to grant bail to the petitioner/Accused with conditions.

In the result, the petitioner/Accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No.II, Nagercoil and after release the

petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders and accordingly this petition is allowed.

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, Vadasery Police Station. (through court cell e-Mode)  
The Superintendent, District Jail, Nagercoil. (through e-Mode)  
The counsel for the petitioner.