

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. 136/2024

(CNR.No.TNKK0V-000227-2024)

1. Manikandan @ Muthu Manikandan S/o. Periyaswamy (A2)
2. Naveen @ Naveen Esai S/o. Nagarajan (A3)
3. Mathivarathanan S/o. Thangavel (A4)
4. Nishanth S/o. Krishnakumar (A5) .. Petitioners

/Vs./

Inspector of Police,
Aralvaimozhi Police Station,
Crime No.152/2024 of Aralvaimozhi Police Station,
Rep. by P.P. Nagercoil. .. Respondent

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

ORDER

The petitioners/accused alleged to have been committed the offence u/s
147, 148, 341, 342, 294(b), 323, 324 and 506(ii) IPC.

The case of the prosecution is that due to previous enmity, on
30.04.2024 at about 10.00 A.M., while the defacto complainant's son was standing in
Perumalpuram Amman Temple A1 assaulted him and subsequently on 30.04.2024 at
about 1.00 A.M., when the defacto complainant while returning from Perumalpuram

Amman Temple festival and standing near Ayya Temple arch, the 1st accused along with other accused came, scolded the defacto complainant and hit him on his back and stomach with cycle chain bracket and attacked him on his left eyebrow and left ear and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and the petitioners 1 and 2 are working in the windmill and the 3rd petitioner is working in a private company and the 4th petitioner is studying in 3rd year B.E. and they have not been involved in any offences so far and this is the first complaint falsely placed against them with a view to wreak vengeance and the defacto complainant, this false case has been registered against the petitioners and the offence u/s 506(ii) IPC, all other offences are bailable in nature and the investigation of the case is almost over and the injured person was discharged from the hospital 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 there is a previous enmity between the son of defacto complainant and A1 and on 29.04.2024, the 1st accused assaulted the son of defacto complainant, which was questioned by the defacto complainant and so, on 30.04.2024 at 1.00 A.M. midnight, A1 and A6 waylaid the defacto complainant and A2 and A3 caught hold him and A4, A5 and A6 assaulted him with hand and A1 assaulted him with iron chain on his left eyebrow and A1 was arrested on 30.04.2024 and the injured was discharged from the hospital and investigation is not yet over and the defacto complainant and the petitioners belongs adjacent villages and so, if the petition is allowed, chances to

subsequent clashes between them and either the petition may be dismissed or the petitioners may be directed to comply the condition far away from this place.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioners/accused and also considering the fact that the injured was discharged from the hospital, 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, Boothapandy 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 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 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, Additional Mahila Court, Nagercoil

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, Boothapandy. (through e-mode)
The Judicial Magistrate No.I, Madurai.
The Inspector of Police, Aralvaimozhi Police Station.
(through court cell e-mode)
The counsel for the petitioners.