

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. 83/2024

(CNR.No.TNKK0V-000135-2024)

1. Rajam W/o. Soosainayagam
2. S. Nikash Raj S/o. Soosainayagam
3. S. Seilis S/o. Supirian .. Petitioners

/Vs./

Inspector of Police,
Suchindrum Police Station,
Crime No.98/2024 of Suchindrum Police Station,
Rep. by P.P. Nagercoil. .. Respondent

This petition is filed by Advocate Thiru A. Raveendran, 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
294(b), 447, 427, 324 and 506(ii) IPC.

The case of the prosecution is that the defacto complainant had 15 cents
of land in survey Nos.1095/10 and 1095/11 and on 17.03.2024 at about 1.00 P.M.,

when the defacto complainant's elder brother was in the above property for maintenance and fencing the boundary, the accused persons went there and used filthy words against the defacto complainant and damaged the fencing work done and the damage value is Rs.5,500/- and when the defacto complainant's elder brother tried to stop the damage, they assaulted him with rod on his head and back and criminally intimidated them. Hence the charge.

The learned counsel for the petitioners submitted that due to civil dispute between the petitioners and the defacto complainant, this false case has been registered against the petitioners and in order to counter blast the specific performance of contract of property comprised in RS No.1095/10 and 1095/11 of Madhusoothanapuram South village, this case has been falsely foisted against the petitioners and no such offences committed as alleged by the prosecution 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 on 17.03.2024 the defacto complainant formed iron fence around his property. These petitioners abused him and damaged the fence and assaulted the defacto complainant with iron rod and the injured was discharged from the hospital and the investigation of the case is not yet over and he has strong objection to grant anticipatory bail to the petitioner and the petition may be dismissed.

Considering the nature of the offences alleged to have been committed

by the petitioners/accused and though the learned Public Prosecutor objected that the investigation 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 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.III, 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.III, Nagercoil (through e-mode)
The Sub Inspector of Police, Suchindrum Police Station.
(through court cell e-mode)
The counsel for the petitioners.