

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 23<sup>rd</sup> day of May, 2024.

CrI.M.P. No.201/2024

(CNR.No.TNKK0V-000297-2024)

Abishek @ Abi @ Abineshkumar S/o. Murugesan (A5) .. Petitioner

/Vs./

Inspector of Police,

South Thamaraiikulam Police Station,

Crime No.2/2024 of South Thamaraiikulam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

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

ORDER

Heard both sides. Perused the petition.

The case has been registered u/s Man Missing @ u/s 147, 294(b), 323,  
324, 307 and 506(ii) of IPC.

The case of the prosecution is that on 05.01.2024 at about 5.00 P.M., the  
accused persons argued with the defacto complainant's son who came that way  
asking him to drink together and the accused looked at the disappeared defacto  
complainant's son and spoke filthy words causing emotional distress to him and the

accused grabbed his scalp and hit it alternatively on the big stone lying below caused bleeding wounds on his head, right forehead and right eye and criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he is in no way connected with the alleged offence and based on the confession of A1, this petitioner has been implicated in this case and nothing had happened as alleged in the FIR and the injured was discharged from the hospital and A1 was arrested and released on bail by this court on 28.03.2024 in CrI.M.P.No.1910/2024 and the investigation of the case is almost over 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 on 05.01.2024 the son of the defacto complainant was missing. So the mother of the defacto complainant filed a petition before the South Thamaraiikulam Police Station and a Man Missing case was registered in Crime No.2/2024. Subsequently, the police came to know that the son of the defacto complainant was lying with severe bleeding injury near Zero Point at Kanyakumari. On 09.01.2024 A1 and A2 were arrested by the police and as per confession of A1, on 05.01.2024 at 5.00 P.M. A1 and five others quarrelled with the victim and dashed his head on a rock repeatedly. So he sustained severe injury and section of law was altered u/s 294(b), 323, 324, 307 and 506(ii) of IPC. The victim was admitted in the hospital on 07.01.2024 and discharged on 10.02.2024. Nearly 35 days he was hospitalized. Even though the injured was discharged from the hospital, he is not in normal condition,

because he sustained severe injury on his head and still he is in coma stage and A1 was arrested and released on bail by this court in CrI.M.P.No.1910/2024 on 28.03.2024 and the investigation of the case is not yet over and he has serious 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 petitioner/accused and also considering the fact that the injured was discharged from the hospital and the co-accused was released on bail by this court on 28.03.2024 in CrI.M.P.No.1910/2024 and the occurrence was happened on 05.01.2024 and by this time the major portion of the investigation would have been completed, this court is inclined to grant anticipatory bail to the 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.III, 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 23<sup>rd</sup> day of May, 2024.

Vacation Sessions Judge.

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