

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. 204/2024

(CNR.No.TNKK0V-000308-2024)

V. Libin S/o. Selvi

.. Petitioner

/Vs./

Sub Inspector of Police,  
Puthukadai Police Station,  
Crime No.121/2024 of Puthukadai Police Station,  
Rep. by Public Prosecutor, 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 petitioner/accused alleged to have been committed the offence u/s  
147, 341, 294(b), 323, 324 and 506(i) of IPC @ 294(b), 323, 324, 341, 506(i), 506(ii)  
IPC and Section 3 TN MSP and MSI Act.

The case of the prosecution is that on 22.04.2024 at about 10.45 P.M.,  
while the informant who is an ambulance driver was coming near Parthivapuram  
after admitting the pregnant lady at Kuzhithurai Government Hospital, 5 persons  
aged about 22 years way laid the vehicle, abused the informant with filthy words,  
assaulted him and criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner's name was not found in the FIR and only based on the confession obtained from co-accused, his name was included in this case and this case has been cooked up against the petitioner and the petitioner never committed any sort of offence as alleged by the prosecution and the petitioner is innocent of the offences alleged against him and the investigation is almost over and the injured was discharged from the hospital 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 the defacto complainant is working as a driver of an ambulance. On 22.04.2024 this petitioner and three others waylaid the ambulance and assaulted the defacto complainant with key on his cheek and the injured was discharged from the hospital and the other accused were arrested by the police 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 occurrence was happened on 22.04.2024 and by this time the major portion of the investigation would have been completed, this court is inclined to grant anticipatory bail to the 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.II, Kuzhithurai 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.II, Kuzhithurai. (through e-mode)  
The Sub Inspector of Police, Puthukadai Police Station. (through court cell e-mode)  
The counsel for the petitioner.