

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 23rd day of May, 2024.

Crl.M.P. No. 213/2024

(CNR.No.TNKK0V-000269-2024)

Basupathi, S/o Peeman (A1)

.. Petitioner

/Vs./

Inspector of Police,

Kottar Police Station,

Crime No. 148/2024 of Kottar Police Station

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Ratheesh, 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), 341, 323, 324 and 506(ii) of IPC.

The case of the prosecution is that on 28.04.2024 at about 8.30 P.M.,  
the accused persons waylaid the defacto complainant, abused him in filthy words and  
assaulted him with hand, 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 he has been falsely implicated in this case and he was undergone the pancreatic infection treatment for the past two years and the petitioner has been in judicial custody from 29.04.2024 and this is the 2nd bail petition and the earlier bail petition in CrI.M.P.No. 34/2024 was dismissed by this court on 16.05.2024 on the ground that the injured not yet discharged from the hospital and now the injured discharged from the hospital and the investigation of the case is almost over 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 on 28.04.2024 this petitioner and other accused waylaid the defacto complainant and assaulted him with iron rod on his left wrist and the injured was discharged from the hospital and the investigation is not yet over and the petitioner has eight previous cases and if the petition is allowed, the petitioner may be directed to comply the condition in some other district.

Considered the argument of the learned Public Prosecutor. Considering the nature of the offence alleged to have been committed by the petitioner/accused and also considering the fact that the petitioner/A1 has been in judicial custody for the past 24 days and the injured was discharged from the hospital, this court is inclined to grant bail to the petitioner/A1 with conditions.

In the result, the petitioner/A1 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 Judicial Magistrate, Theni daily twice at 10.30 A.M. and 5.00 P.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 23rd day of May, 2024.

Vacation Sessions Judge.

To

The Judicial Magistrate No.II, Nagercoil. (through e-Mode)

The Judicial Magistrate, Theni.

The Inspector of Police, Kottar Police Station. (through court cell e-Mode)

The Superintendent, District Jail, Nagercoil. (through e-Mode)

The counsel for the petitioner.