

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.

CrI.M.P. No. 207/2024

(CNR.No.TNKK0V-000304-2024)

Esakiappan @ Esakki, S/o. Nagarajan (A2)

.. Petitioner

/Vs./

Sub Inspector of Police,

Kottar Police Station,

Crime No. 148/2024 of Kottar Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru C. Mathavan Pillai, 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 341, 294(b), 323, 324 and 506(ii) of IPC.

The case of the prosecution is that on 28.04.2024 at about 8.30 P.M., while the informant came to see his brother at Ramanputhoor, at that time the accused wrongfully restrained the defacto complainant, abused him in filthy language, assaulted him with iron rod and hands, caused injuries and also 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 this case and due to previous enmity, this false case has been foisted against the petitioner and this is the 2nd anticipatory bail petition and the earlier petition in CrI.M.P.No. 63/2024 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 was 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 anticipatory 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.

Considering the nature of the offence alleged to have been committed by the petitioner/A2 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 petitioner/A2 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, 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 23rd day of May, 2024.

Vacation Sessions Judge.

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