

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. 139/2024

(CNR.No.TNKK0V-000221-2024)

Bala Krishanan, S/o. Surendran

.. Petitioner

/Vs./

Sub Inspector of Police,

Marthandam Police Station,

Crime No. 165/2024 of Marthandam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru P. Michael, 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
294(b), 341, 353, 323, 332 and 506(ii) of IPC.

The case of the prosecution is that on 03.05.2024 at about 21.45 hours,
four persons came in a car bearing Reg.No. TN74 AV 9799 and disturbed the public
by stopping the vehicle and by using filthy words and caused hurt to deter the

informant from doing his duty and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he has not committed any offence as alleged in the FIR and his name is not found in the FIR and co-accused were arrested and released on bail by the lower court on 16.05.2024 in CrI.M.P.No.5237/2024 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 on 03.05.2024 at 9.30 P.M. this petitioner and three others were travelled in a car. At that time there was a wordy altercation between the petitioner and three other accused against the lorry driver while overtaking in the lorry. So this petitioner and other accused stopped the car near Marthandam over bridge and disturb the traffic nearly one hour. The police party came to the spot and requested the petitioner and other accused not to disturb the traffic. But A1 abused the Sub Inspector of Police and assaulted him with hand and A2 and A3 attempted to assault the defacto complainant with iron rod and this petitioner caught hold the defacto complainant and A1 punched on the chest of the defacto complainant and the injured was discharged from the hospital and A1 to A3 were arrested by the police and they were released on bail and this petitioner escaped along with car and it is a heinous crime committed by the petitioner 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 were released on bail, 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.I, 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 23rd day of May, 2024.

Vacation Sessions Judge.

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