

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. 198/2024

(CNR.No.TNKK0V-000301-2024)

1. Maheen Abubakker S/o. Mohammed Rafeek (A1)

2. Sithik S/o. Shajahan (A2)

.. Petitioners

/Vs./

Sub Inspector of Police,

Boothapandy Police Station,

Crime No.101/2024 of Boothapandy Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

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

### ORDER

The petitioners/accused alleged to have been committed the offence u/s  
294(b), 323, 354, 427 and 506(ii) of IPC.

The case of the prosecution is that on 05.05.2024 at about 4.00 P.M., the  
defacto complainant was standing in front of the house, the petitioners used filthy  
language against the defacto complainant and assaulted and criminally intimidated  
her. Hence the charge.

The learned counsel for the petitioners submitted that the defacto complainant is his wife's sister and the defacto complainant and 3 sisters are living in the same house and the petitioner and his wife are living separately for 6 weeks and now they compromised and decided to live together and the petitioner rented the house at Nagercoil and on 05.05.2024, he went to the defacto complainant's house and called his wife and took all the things and joint living and at that time, the defacto complainant and her three sisters used filthy language and assaulted him and this incident was recorded in the nearby CCTV camera and on 06.05.2024, the defacto complainant gave a complaint and it was registered as CSR No.325/2024 and on 10.05.2024, the respondent police enquired the matter, but the defacto complainant and her sisters not appeared before the police and on 11.05.2024, the respondent police registered the FIR based on the false complaint given by the defacto complainant and the petitioners are innocent and they are in no way connected in this case and due to vengeance, the informant gave a false complaint and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

The learned Public Prosecutor opposed the application and submitted that A1 and sister of the defacto complainant are husband and wife and they are living separately due to misunderstanding and on 05.05.2024, A1 along with A2 went to the house of the defacto complainant to bring back the wife of A1 and at that time, there was a wordy altercation between them and so, these petitioners assaulted the wife of A1, defacto complainant and another sister of defacto complainant and totally there are three injured persons in this case and injured persons were discharged from the

hospital and the investigation is not yet over and the petition may be dismissed.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioners/accused and also considering the fact that the injured persons were discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners/accused with conditions.

In the result, in the event of arrest or on their appearing before the court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate, Boothapandy subject to the following conditions :-

1. The petitioners shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioners shall appear and sign before the Judicial Magistrate No.I, Thoothukudi daily twice at 10.30 A.M. and 5.00 P.M. until further orders.
3. The petitioners shall also make themselves available before the respondent as and when required.
4. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioners 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, Boothapandy. (through e-mode)  
The Judicial Magistrate No.I, Thoothukudi.  
The Inspector of Police, Boothapandy Police Station.  
(through court cell e-mode)  
The counsel for the petitioners.