

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. 241/2024

(CNR.No.TNKK0V-000253-2024)

1. E. Rajan S/o. Esakkiyappan (A1)

2. Esakkiyappan S/o. Perinbhamoni (A2) .. Petitioners

/Vs./

Sub Inspector of Police,

Aralvaimozhi Police Station,

Crime No.154/2024 of Aralvaimozhi Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru D. Mathi, 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 and 506(ii) of IPC and Section 4 of TNPWH Act, 2002.

The case of the prosecution is that on 26.04.2024 at about 3.00 P.M., the
accused uttered filthy language against the defacto complainant and her husband and
they stomped stomach, leg and assaulted the informant's husband with stone and
criminally intimidated her. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are
innocent of the offences alleged against them and they are in no way connected with

this case and due to vengeance, the informant had given a false complaint against the petitioner and no such occurrence had happened as alleged in the FIR and the injured was discharged from the hospital and now the 1st accused arrested and released on bail by the lower court and therefore, he not pressing the application in respect of the 1st accused and the 2nd petitioner is ready to abide by any condition and prayed for anticipatory bail to the 2nd petitioner/A2.

The learned Public Prosecutor opposed the application and submitted that there is a previous enmity between the defacto complainant and the petitioners and on 26.04.2024, these petitioners abused the husband of the defacto complainant and put the stone on his chest and outraged the modesty of the defacto complainant and the injured was discharged from the hospital and the investigation is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioners/accused 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 and also considering the submission of the learned counsel for the petitioners, this court is inclined to grant anticipatory bail to the 2nd petitioner/A2 with conditions.

In the result, in the event of arrest or on his appearing before the court concerned the 2nd 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, Boothapandy subject to the following conditions :-

1. The 2nd petitioner shall appear before the court concerned within 15 days from today without fail.
2. After release, the 2nd petitioner shall appear and sign before the respondent police daily at 10.00 until further orders.
3. The 2nd petitioner shall also make himself available before the respondent as and when required.
4. The 2nd petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The 2nd 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.**

and the petition is dismissed in respect of the 1st petitioner and accordingly this petition is partly allowed.

Pronounced by me in open court this the 23rd day of May, 2024.

Vacation Sessions Judge.

To
The Judicial Magistrate, Boothapandy. (through e-mode)
The Inspector of Police, Aralvaimozhi Police Station.
(through court cell e-mode)
The counsel for the petitioners.