

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.160/2024

(CNR.No.TNKK0V-000230-2024)

1. Vignesh S/o. Padhmanaban (A1)

2. Akilan S/o. Padhmanaban (A2)

3. Praveen S/o. Nagarethinam

4. Parthiban S/o. Vel Mani

.. Petitioners

/Vs./

Sub Inspector of Police,

Kottar Police Station,

Crime No.167/2024 of Kottar Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru M. Rajesh, 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
147, 148, 341, 294(b), 323, 324, 427 and 506(ii) IPC.

The case of the prosecution is that the defacto complainant is a Poojari
of N.V. Street Sudalaimadaswami Temple and he used to do pooja every Friday and

on 10.05.2024 at about 10.30 P.M., while the defacto complainant was returning to his home, the accused stopped his motor cycle and abused him in filthy language and the accused hit him using stones and hand and hit his bike and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners submitted that the defacto complainant and his friend were jointly consuming alcohol near the petty shop near N.V. Street and the petitioners were standing the alleged occurrence place and at that time, the defacto complainant abused the 1st petitioner and this was questioned by him and at that time, he assaulted him using hand and leg and his friends rescued him from the defacto complainant, but the defacto complainant lodged a false complaint before the respondent police and the respondent has registered a case against the petitioners without proper investigation and the complaint lodged by the petitioners was numbered as CSR No.494/2024 and this is the first false case implicated against the petitioners and the petitioners are innocent and they are in no way connected with the alleged occurrence and the injured was discharged from the hospital 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 on 10.05.2024, these petitioners and three others waylaid the defacto complainant and assaulted him with stone on his head and damaged the motor bike and the injured was discharged from the hospital and 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 person was 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 No.II, Nagercoil 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 respondent police daily at 10.00 A.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 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 petitioners.