

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.182/2024

(CNR.No.TNKK0V-000250-2024)

Lakesh S/o. Lalithambika

.. Petitioner

/Vs./

Inspector of Police,

Thiruvattar Police Station,

Crime No.151/2024 of Thiruvattar Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru M. Dhinesh Kumar, 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), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act.

The case of the prosecution is that the petitioner borrowed money from the defacto complainant and on 14.05.2024 at about 3.00 P.M., the defacto complainant asked the petitioner to give back the money, so that the petitioner used filthy words against the defacto complainant and assaulted her with hand and leg on her back ridge and chest and criminally intimidated her. Hence the charge.

The learned counsel for the petitioner submitted that the defacto complainant is a money lender and though the petitioner gave back money borrowed by him to her, she often trespassed into the house of the petitioner and asked more money as kanthuvatti and on 14.05.2024 at about 8.15 A.M., the defacto complainant trespassed into the house of the petitioner asked kanthuvatti and used filthy words against the petitioner and his wife and daughter and snatched the mobile phone of petitioner's wife and damaged it and also threatened her using kerosene bottle and damaged the plant pots in the petitioner's home and the complaint was given by the petitioner's wife, but no action was taken by the respondent police and only to escape from the criminal acts, the defacto complainant falsely gave a false complaint against the petitioner and the police also registered a case against him without proper investigation and the petitioner is innocent of the offences alleged against him and he has been falsely implicated in this case 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 the petitioner received Rs.3,00,000/- from the complainant with a promise to arrange job to the defacto complainant and subsequently he chated the defacto complainant and returned Rs.1,65,000/- to the defacto complainant and on 14.05.2024, the defacto complainant demanded the amount and at that time, this petitioner abused her and assaulted her with iron rod on his head and the injured was discharged from the hospital and the investigation of the case is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioner/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, 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.II, Padmanabhapuram 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, Padmanabhapuram. (through e-mode)

The Inspector of Police, Thiruvattar Police Station. (through court cell e-mode)

The counsel for the petitioner.