

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.193/2024

(CNR.No.TNKK0V-000292-2024)

C. Kamal Ram S/o. Chandran

.. Petitioner

/Vs./

Inspector of Police,

Vadasery Police Station,

Crime No.137/2024 of Vadasery Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A.R. Subash 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 147, 148, 341, 448, 294(b), 324 and 506(ii) of IPC.

The case of the prosecution is that on 16.05.2024 at about 12.00 hours, while the informant was driving Mini Bus bearing Regn. No.TN 74 F 8636, the accused 1 to 4 and 6 jointly stopped the bus in front of Nagercoil Annam Stadium and unlawfully entered the bus and used filthy language against the driver and conductor

under the intuition of 5th accused and the 1st accused assaulted him with iron rod and caused injury on his right wrist and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is working as a Mini Bus driver and for canvassing passengers inside of Vadasery Bus terminal, some quarrel arose between petitioner's transport NPN and SSP transport and the case in Crime Nos.204/2023, 130/2023, 133/2023 and 136/2024 are pending and the petitioner has not committed any offence as alleged in the complaint and it is utter false one and he has not involved in any offence and the injured was treated as OP 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 defacto complainant is a private bus Conductor and on 16.05.2024, this petitioner and A2 to A4 abused the defacto complainant and assaulted him with weapon and he sustained cut injury on his wrist and the Driver also sustained injury on his face and A5 instigated this petitioner and other accused to assault the defacto complainant and the injured was treated as OP and it is the case in counter matter and the investigation of the case is not yet over and in the event of considering this application, the petitioner may be directed to comply the condition in some other place.

Considered the objection of the learned Public Prosecutor. Considering the nature of the offences alleged to have been committed by the petitioner/accused

and considering the fact that the injured was treated as OP and it is the case in counter matter, 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, Nagercoil 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 Judicial Magistrate No.I, Tirunelveli daily twice at 10.30 A.M. and 5.00 P.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, Nagercoil. (through e-mode)
The Judicial Magistrate No.I, Tirunelveli.
The Inspector of Police, Vadasery Police Station. (through court cell e-mode)
The counsel for the petitioner.