

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. 130/2024

(CNR.No.TNKK0V-000216-2024)

and

CrI.M.P. No. 233/2024

(CNR.No.TNKK0V-000309-2024)

1. Akash S/o. Ramaswamy (A1)

2. Athi @ Athikesavan S/o. Murugan (A5) .. Petitioners in CrI.M.P.No.130/2024

Mohammad Ajiz @ Atheesh, (A3)

S/o. Shajahan .. Petitioner in CrI.M.P.No.233/2024

/Vs./

Sub Inspector of Police,

Vadasery Police Station,

Crime No.125/2024 of Vadasery Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

These two petitions are filed by Advocates Tvl. A.K.E. Appaji and S.Sahaya Arasu respectively, u/s 438 Cr.P.C., praying to grant anticipatory bail to the petitioners in both petitions.

COMMON ORDER

The petitioners/accused alleged to have been committed the offence u/s 147, 148, 294(b), 323, 324 and 506(ii) IPC.

These two petitions are filed by different accused, but in same crime number.

The case of the prosecution is that on 05.04.2024 at about 9.30 P.M., when the informant was at his house, the 2<sup>nd</sup> accused called over him by phone and asked him to come near Aruguvilai Ration shop to receive the daily wage and when he reached there, the accused persons used filthy words against the informant and assaulted him and criminally intimidated him. Hence the charge.

The learned counsel for the petitioners in CrI.M.P.No.130/2024 submitted that the petitioners never involved in the alleged occurrence as stated in the FIR and they are in no way connected with the offences and the petitioners are innocent and they have been wrongly implicated in this case by the informant due to previous enmity and the injured was discharged from the hospital and the investigation of the case is almost over and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

The learned counsel for the petitioner in CrI.M.P.No.233/2024 submitted that the petitioner is innocent of the offences alleged against him and he has not committed any offence as alleged in the FIR 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 on 05.05.2024 at 9.30 P.M. the defacto complainant, these petitioners and seven others consumed beer at Railway Bridge. Subsequently these petitioners and other accused quarrelled with the defacto complainant and all the accused assaulted the

defacto complainant with hand and leg and A5, A7 and A8 assaulted him with beer bottle and A1 threatened the defacto complainant with knife and the injured was discharged from the hospital and the investigation of the case is not yet over and A4 and A8 were arrested by the police and there are two groups and if the petition may be allowed, the petitioners may be directed to comply the condition in some other district.

Considered the argument 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 was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners/accused in both petition 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 stay at Tiruchirappalli, appear and sign before the Judicial Magistrate No.I, Tiruchirappalli 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 No.II, Nagercoil (through e-mode)

The Judicial Magistrate No.I, Tiruchirappalli.

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

The counsel for the petitioners in both petition.