

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 23<sup>rd</sup> day of May, 2024.

CrI.M.P. No.192/2024

(CNR.No.TNKK0V-000293-2024)

Ajith S/o. Muthu Raj (A1)

.. Petitioner

/Vs./

Sub Inspector of Police,

Aralvaimozhi Police Station,

Crime No.61/2024 of Aralvaimozhi Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru V.E. John Vianney, u/s 438

Cr.P.C., praying to grant anticipatory bail to the petitioner.

ORDER

Heard both. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s 341, 294(b), 352 and 506(ii) of IPC.

The case of the prosecution is that on 14.02.2024 at about 7.00 P.M., while the informant came near Azhagiya Nagar Ration Shop, the petitioner along with two others restrained him, uttered obscene words against him and beat on his cheek with hand and his back and criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him in the FIR and due to previous enmity,

this case has been falsely foisted against the petitioner and except the offence u/s 506(i) of IPC, all other offences are bailable in nature and the co-accused/A3 and A2 were granted anticipatory bail by the Principal Sessions Court, Nagercoil on 29.02.2024 and 04.04.2024 in CrI.M.P. Nos.1367/2024 and 2025/2024 respectively 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 14.02.2024 this petitioner and two others waylaid the defacto complainant and abused him and all the accused assaulted the defacto complainant with hand and the defacto complainant did not go to hospital, only apply country made oil and the co-accused was granted anticipatory bail by this court on 04.04.2024 in CrI.M.P. No. 2025/2024 and the investigation of the case is not yet over and in the event of considering this application, same condition is to be imposed.

Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the argument of the learned Public Prosecutor that the defacto complainant did not take any treatment from the hospital and also considering the fact that the co-accused was granted anticipatory bail by this court on 04.04.2024 in CrI.M.P. No. 2025/2024 and also considering the fact that the occurrence was happened on 14.02.2024 and by this time the major portion of the investigation would have been completed, 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, Boothapandy 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 23<sup>rd</sup> day of May, 2024.

Vacation Sessions Judge.

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