

In the Court of Principal Sessions Judge, Kanniyakumari District
at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Principal Sessions Judge.

Friday, the 20th day of December, 2024.

Crl.M.P. No.4569/2024

(CNR.No.TNKK01-006555-2024)

1. Selvan S/o. Nesamani (A1)
2. Arun @ Arun Kumar S/o. Selvan (A2)
3. Ranjith Kumar S/o. Azhagappan (A3) .. Petitioners

/Vs./

State of Tamil Nadu,
Through the Sub Inspector of Police,
Kottar Police Station,
Crime No. 386/2024 of Kottar Police Station
Rep. by P.P. Nagercoil. .. Respondent

This petition is filed by Advocate Thiru T.K. Makesh, u/s 482 of
BNSS, praying to grant anticipatory bail to the petitioners.

ORDER

Heard both side. Perused the petition.

2. The petitioners/accused are alleged to have committed the
offence u/s 296(b), 115(2) and 351(2) of BNS and Section 4 of TNPHW

Act..

3. The case of the prosecution is that there is a money dispute between the defacto complainant and A1, and on 10.12.2024, the accused persons used filthy language against the defacto complainant and attacked her with hand and also criminally intimidated her. Hence, the charge.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they never did any such act and they do not know the occurrence and they came to know about the case and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

5. The learned Public Prosecutor opposed the application and submitted that A1 borrowed a sum of Rs.13,50,000/- and 70 sovereigns of gold ornaments from the defacto complainant, but he did not return the same. So, on 10.12.2024, the defacto complainant went to the house of the petitioner/A1 to get back the amount and jewels, but the petitioners refused to return the jewels and amount, assaulted her with hand and the injured was discharged from the hospital and the investigation of the case is not yet over and he has serious objection to grant anticipatory bail to the petitioners and the petition may be dismissed.

6. 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 was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners/accused with conditions.

7. 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, Additional Mahila Court, Nagercoil subject to the following conditions:-

- i) The petitioners shall appear before the court concerned within 15 days from today without fail.
- ii) After release, the petitioners shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
- iii) The petitioners shall also make themselves available before the respondent as and when required.
- iv) The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
- v) 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 20th day of December, 2024.

Principal Sessions Judge.

To

The Judicial Magistrate, Additional Mahila Court, Nagercoil.

(through e-mode)

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

The counsel for the petitioners.