

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.

Wednesday, the 8<sup>th</sup> day of May, 2024.

CrI.M.P. No. 48/2024

(CNR.No.TNKK00-000052-2024)

Sunil Singh, S/o Vedakkan

.. Petitioner

/Vs./

Inspector of Police,

Colachel Police Station,

Crime No. 47/2024 of Colachel Police Station,

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru S. Varatharajan, u/s 439 Cr.P.C.,  
praying to grant 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 of IPC @ 294(b), 323, 324 and 302 of IPC.

The case of the prosecution is that on 05.03.2024 at 7.00 P.M. the  
accused was in a drunken mood, beaten the deceased Vedakkan and further attempted  
to pour brandy into the mouth of the deceased and since the deceased has closed his  
mouth, he sustained injury on the lip and then on 07.03.2024 the injured succumbed  
to his injuries on 07.03.2024. Hence the charge.

The learned counsel for the petitioner submitted that the deceased is the father of the petitioner and the deceased has deserted his wife 24 years back and the petitioner is innocent and he has not committed any offence as alleged by the prosecution and the petitioner has been under judicial custody from 08.03.2024 and the earlier bail petition in CrI.M.P. No.2160/2024 was dismissed by the Principal Sessions Court, Nagercoil on 23.04.2024 and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that this petitioner and his aged father were residing in a same house. On 05.03.2024 this petitioner abused his father and assaulted him. Then he poured brandy mixed with poison into his mouth forcibly and he sustained injury on his mouth. Originally a case was registered u/s 294(b), 323 and 324 of IPC and on 07.03.2024 the injured succumbed to his injuries. So the section of law was altered u/s 294(b), 323, 324 and 302 of IPC and the petitioner was arrested on 08.03.2024 and the investigation of the case is almost over.

Considering the nature of the offence alleged to have been committed by the petitioner/accused and also considering the fact that the petitioner/accused has been in judicial custody for the past 61 days and also considering the argument of the learned Public Prosecutor that the investigation of the case is almost over, this court is inclined to grant bail to the petitioner/Accused with conditions.

In the result, the petitioner/Accused is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate, Eraniel and after release the petitioner shall

appear and sign before the respondent police daily at 10.00 A.M. until further orders and accordingly this petition is allowed.

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 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To  
The Judicial Magistrate, Eraniel. (through e-Mode)  
The Sub Inspector of Police, Colachel Police Station. (through court cell e-Mode)  
The Superintendent, District Jail, Nagercoil. (through e-Mode)  
The counsel for the petitioner.