

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 8th day of May, 2024.

CrI.M.P. No. 19/2024

(CNR.No.TNKK00-000059-2024)

Jegansingh, S/o Thangamohan

.. Petitioner

/Vs./

Inspector of Police,
Anjugramam Police Station,
Crime No. 110/2024 of Anjugramam Police Station
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Shanmuga Satheesh, 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), 427, 323, 342 and 506(ii) of IPC @ 294(b), 323, 307 and 506(ii) of IPC.

The case of the prosecution is that on 31.03.2024 at about 10.45 A.M., the accused persons went to the defacto complainant's hotel and asked three chicken 65 parcel. But chicken 65 was not available in the hotel. So the accused persons

abused the defacto complainant in filthy words and damaged the aluminum grill rod, and cool drinks bottle, assaulted the defacto complainant and another one person with broken bottle and also criminally intimidated them. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged in the FIR and his name is not found in the FIR and the petitioner has been in judicial custody from 04.04.2024 and the earlier bail petition in CrI.M.P.No. 2162/2024 was dismissed by the Principal Sessions Court, Kanniyakumari at Nagercoil on 23.04.2024 on the ground that the injured not yet discharged from the hospital and now the injured was discharged from the hospital and the investigation of the case is almost over 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 on 31.03.2024 at 10.45 P.M. this petitioner and two others went to a hotel run by the defacto complainant to purchase chicken 65, but chicken 65 was not available in the hotel. So there was a wordy altercation between the supplier and this petitioner and other accused. This petitioner and other accused damaged the cool drinks bottle and this petitioner and another one accused caught hold the supplier, A1 stabbed him with broken bottle on his stomach and he sustained severe injury 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 bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/accused and also considering the fact that the injured was discharged from the hospital and the petitioner/accused is in custody for the past 34 days and by

this time the major portion of the investigation would have been completed, 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 No.III, Nagercoil 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 8th day of May, 2024.

Vacation Sessions Judge.

To
The Judicial Magistrate No.III, Nagercoil. (through e-Mode)
The Inspector of Police, Anjugramam Police Station. (through court cell e-Mode)
The Superintendent, District Jail, Nagercoil. (through e-Mode)
The counsel for the petitioner.