

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. 18/2024

(CNR.No.TNKK00-000033-2024)

Arun Shaju, S/o Rajagopal

.. Petitioner

/Vs./

Inspector of Police,  
Colachel Police Station,  
Crime No. 133/2023 of Colachel Police Station,  
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Legal Aid defense counsel Tmt R.M. Meenakshi,  
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), 326, 307 and 394 of IPC.

The case of the prosecution is that the husband of the informant is  
working as a Supervisor in Tasmac shop at Colachel. The husband of the informant

prefer to take the money from the tasmac shop to his house daily and on the next day he deposit the money in the bank. On 08.07.2023 at 10.30 P.M. while the husband of the informant along with one Lalin Jio were returning home with money and while they came in front of the house of one Shaji, one unknown person with an intention to grab the money, uttered obscene words and cut the defacto complainant's husband's head with a sickle. The defacto complainant's husband tried to stop the accused and got injuries on his left elbow and again when he tried to stab, the defacto complainant's husband sustained injuries on his three right fingers and elbow. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he has not committed any offence as alleged by the prosecution and the petitioner has been in judicial custody from 26.07.2023 and the injured was discharged from the hospital and the investigation of the case is over and the case has been charge sheeted and taken on file in SC No.422/2023 pending before the Assistant Sessions Court, Eraniel and already the petitioner has filed three bail petitions before the Principal Sessions Court Nagercoil in Crl.M.P.Nos. 4816/2023, 7179/2023 and 466/2024 and the same were dismissed on 12.09.2023, 02.01.2024 and 29.01.2024 respectively and already the petitioner has been detained under Goondas Act and now the Goondas proceedings has been set aside on 24.04.2024 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 the husband of the defacto complainant is working as a salesman in Tasmac shop. On 08.07.2023 at 10.30 P.M. the husband of the defacto complainant was returning his home with sale amount, this petitioner waylaid him and inflicted cut injury with aruval on his head and right elbow and attempted to snatch the amount. Then this petitioner was arrested on 25.07.2023 and the injured was discharged from the hospital and the investigation is not yet over. This petitioner is having 15 previous theft and robbery cases and he is a rowdy element and he is a threat to the society and he has been detained under Goondas Act under P.D.No.46/2023 dated 07.09.2023 and the Goondas Act against the petitioner has been confirmed by the Advisory Board and he has serious objection to grant bail to the petitioner and let him face trial from the prison and this 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 petitioner/accused is in the judicial custody from 26.07.2023 and also considering the argument of the learned counsel for the petitioner/accused that the case has been charge sheeted and taken on file in SC No.422/2023 pending before the Assistant Sessions Court, Eraniel and Goondas proceedings initiated against the petitioner has been set aside on 24.04.2024 and the facts and circumstances of the case, 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 Judicial Magistrate, Eraniel daily at 10.30 A.M. until further orders and accordingly this petition is allowed.

Pronounced by me in open court this the 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To

The Judicial Magistrate, Eraniel.

The Assistant Sessions Judge, Eraniel. (through e-Mode)

The Inspector of Police, Colachel Police Station. (through court cell e-Mode)

The Superintendent, District Jail, Nagercoil. (through e-Mode)

The counsel for the petitioner.