

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. 21/2024

(CNR.No.TNKK00-000049-2024)

Sabari Girish @ Girish S/o. Sakthitharan

.. Petitioner

/Vs./

Inspector of Police,
Eraniel Police Station,
Crime No.96/2023 of Eraniel Police Station,
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru T. Sivakumar, 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), 324, 506(2) of IPC @ 294(b), 324, 302, 506(2) of IPC.

The case of the prosecution is that on 08.03.2024 at about 9.30 A.M.,
when the informant husband was came near by the petitioner/accused house, the
petitioner/accused used filthy words against him and assaulted him with stone and

criminally intimidated him and he was admitted in the hospital for treatment and subsequently he died on 16.03.2023. 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 and he was arrested on 09.03.2024 and has been under judicial custody from that date onwards and this is the 2nd application and the earlier application in CrI.M.P. No.2161/2024 was dismissed by the Principal Sessions Court, Nagercoil on 17.04.2024 and the investigation of the case is 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 the petitioner used to abuse the deceased and his wife and children and on 08.03.2024, the petitioner abused the deceased in filthy language, this was questioned by the deceased. So this petitioner assaulted the deceased on the occipital region on his head with stone and the case has been registered u/s 294(b), 324, 506(2) of IPC and this petitioner was arrested on 09.03.2024, but the injured succumbed to his injuries on 16.03.2024. So section of law was altered u/s 294(b), 324, 302, 506(2) of IPC and stone was recovered and the investigation 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 petitioner/accused is in the judicial custody from 09.03.2024 i.e. for the past 60 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, 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 8th day of May, 2024.

Vacation Sessions Judge.

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