

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. 3/2024

(CNR.No.TNKK00-000017-2024)

Nithin S/o. Sahayam

.. Petitioner

/Vs./

Inspector of Police,

Anjugramam Police Station,

Crime No. 92/2024 of Anjugramam Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru G. Geon Jenish 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), 307 and 506(ii) of IPC.

The case of the prosecution is that on 21.03.2024 at about 11.00 P.M.,
the accused used filthy language against the defacto complainant and poured petrol
on him and caused injuries on his chest, abdomen, right hand, left upper hand, right

thigh, right knee and neck and also criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged occurrence and this case has been falsely foisted against the petitioner with an intention to harass him and the petitioner is in judicial custody from 22.03.2024 i.e. for the past 45 days 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 there is a previous enmity between the brother of this petitioner and one Elgin, W/o Kumar. So on 21.03.2024 this petitioner quarrelled with Elgin, which was questioned by the defacto complainant. So the petitioner came with petrol bomb to burn Elgin. This was also questioned by the defacto complainant. So the petitioner poured petrol all over the body of the defacto complainant and set fire to him and he sustained severe injury. This petitioner was arrested on 22.03.2024 and the injured was discharged from the hospital and the investigation of the case is over and the case has been charge sheeted and this petitioner has two previous cases and he has serious objection to grant bail to the petitioner and in the event of considering this application, stringent condition is to be imposed.

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 the judicial custody from 22.03.2024 i.e. for the past 47 days and also considering the argument of the

learned Public Prosecutor that the case has been charge sheeted, 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 Judicial Magistrate No.III, Nagercoil daily at 10.30 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.