

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. 20/2024

(CNR.No.TNKK00-000014-2024)

Selvin Jeba Kumar S/o. Selvin Kesari

..Petitioner

/Vs./

Inspector of Police,  
Thiruvattar Police Station,  
Crime No.61/2024 of Thiruvattar Police Station,  
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Venkatesh, 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) and 302 of IPC.

The case of the prosecution is that the deceased and the petitioner were  
relatives and civil dispute is pending before the Civil Court and due to that enmity, on  
19.02.2024 at about 2.30 P.M., when the deceased was on his way to home, the  
petitioner used filthy words against him and attacked him with hammer on his nose

and due to the injury, he died. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and due to civil dispute between them, this case has been registered against the petitioner and the investigation of the case is almost over and the petitioner is in judicial custody from 19.02.2024 and this is the 2<sup>nd</sup> application and the earlier application in CrI.M.P. No.2154/2024 was dismissed by the Principal Sessions Court, Nagercoil on 17.04.2024 and now for the past 78 days, the petitioner is in judicial custody and the investigation is also 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 this petitioner is nephew of the deceased and there is a property dispute between them and on 19.02.2024, this petitioner abused the deceased and assaulted him on his nose with hammer and so, he died on the spot and this petitioner was arrested on 20.02.2024 and the investigation of the case is over and the Public Prosecutor has given approval for the draft charge sheet and he has serious objected 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 is in the judicial custody from 19.02.2024 i.e for the past 79 days and also considering the argument of the learned Public Prosecutor that the investigation of the case is 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 No.II, Padmanabhapuram and after release the petitioner shall appear and sign before the Judicial Magistrate No.II, Padmanabhapuram 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 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

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