

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. 4/2024

(CNR.No.TNKK00-000001-2024)

G. Sijin,

S/o Gladiston @ Appukuttan

.. Petitioner

/Vs./

Sub Inspector of Police,

Nithiravilai Police Station,

Crime No. 67/2024 of Nithiravilai Police Station,

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Chellappan, 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  
174 Cr.P.C., and 306 of IPC @ 306 of IPC.

The case of the prosecution is that the marriage between the deceased  
and the accused took place on 15.12.2014 and due to the wedlock, they had no  
children. This accused is a drunkard and had illicit relationship with other ladies and

he used to quarrel with the deceased in drunken mood. On 20.03.2024 the sister of the accused informed the parents of the deceased that they found the deceased was unconscious and hence she was taken to hospital and there she declared dead. Hence the charge.

The learned counsel for the petitioner submitted that this petitioner is innocent and he has not committed any offence as alleged by the prosecution and the real fact is that the petitioner and the deceased were living happily, but due to the physical condition of the deceased, they had no children. So the deceased was depressed and she was consoled by the petitioner, but on the date of occurrence the petitioner who is a fisherman used to stay at Kerala for deep sea fishing, at that time she had committed suicide and the petitioner has been in judicial custody from 30.03.2024 and the earlier bail petition in CrI.M.P.No. 2155/2024 was dismissed by the Principal Sessions Court, Kanniyakumari at Nagercoil on 25.04.2024 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 the petitioner and the deceased are husband and wife. They got married on 15.12.2014. They had no children. This petitioner used to abuse his wife as stated that "பிள்ளை பெறாத மலடி". Moreover, this petitioner had illicit relationship with other ladies also. This petitioner is a drunkard. On 20.03.2024 this petitioner abused his wife stating that மலடி and told her that if she has died, he can marry another lady and her pulled her hair. On the same day at 6.30 P.M. the petitioner returned to

home and found that the deceased has died by committing suicide by hanging herself. This petitioner was arrested on 30.03.2024. Originally the case was registered under 174 of Cr.P.C., and subsequently altered u/s 306 of IPC. This petitioner abetted her to commit suicide and after the commission of offence, the petitioner absconded and thereafter he was arrested by the police and the earlier bail application was dismissed on the ground that there is a possibility to alter the section of law, because eight injuries have been found in the postmortem report. Now the prosecution decided to laid charge sheet against the petitioner for the offence u/s 306 of IPC and he has serious objection to grant bail to the petitioner and either this petition may be dismissed or if this petition is allowed, 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 petitioner/accused is in the judicial custody for the past 39 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.II, Kuzhithurai and after release the petitioner shall appear and sign before the Judicial Magistrate No.II, Kuzhithurai 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, Kuzhithurai. (through e-Mode)

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

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

The counsel for the petitioner.