

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.

Crl.M.P. No.50/2024

(CNR.No.TNKK00-000004-2024)

Arul Prabhu S/o. Jeeva Dhas

.. Petitioner

/Vs./

Inspector of Police,
Karungal Police Station,
Crime No.77/2024 of Karungal Police Station,
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru J. Sajin, 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 436 and 109 of IPC.

The case of the prosecution is that the 1st accused is the husband of the informant and the 1st accused often harassed the informant by demanding dowry from her parents and the informant got loan and built a new house near her mother's home

and thereafter, the accused went abroad for his job and he did not go his job regularly and not sent any money to the informant to remit the loan and he came to India and thereafter, he came to home after consuming liquor and harassed the informant and child and on 24.03.2024 at about 10.30 A.M., when the informant returning back to home, large fume was came from her house and the informant informed the fire service and they came to the spot and extinguished the fire, but all the things were burned and damaged articles worth is more than Rs.8 lakhs. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and the real fact is that from the date of marriage itself the informant not respected the petitioner/A1 and his family members and always made quarrel with them that the petitioner/A1 not handsome and not match for her, but considering the family welfare, the petitioner/A1 had given Rs.5,00,000/- to build the new house and before one month, the informant set fire to the house and gave a false complaint and the respondent enquired the matter and warned the informant and in order to revenge and harass the petitioner/A1, again the informant set fire to the house and gave a false complaint and the petitioner is innocent of the offences alleged against him and the investigation is almost over and the petitioner has no previous case and the petitioner was arrested on 15.04.2024 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.2236/2024 was dismissed by the Principal Sessions Judge, Nagercoil on 26.04.2024 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 this petitioner and defacto complainant are husband and wife and this petitioner used to quarrel with his wife and she filed a petition before the police and it is a routine habit of the petitioner and the defacto complainant purchased a land and constructed a house with the help of her parents and the petitioner demanded to transfer the land in his sister's name and on 18.02.2024, the petitioner set fire to mattress and for that, she lodged a complaint and it was given CSR number as 253/2024, dated 04.03.2024 and on 03.03.2024, this petitioner assaulted the defacto complainant and the matter was compromised and again on 24.03.2024, this petitioner set fire to the entire house and subsequently fire service extinguished the fire and total damage is Rs.8 lakhs and the investigation of the case is not yet over and this petitioner was arrested on 15.04.2024 and he has strong objection 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 15.04.2024 i.e. for the past 26 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, Karungal Police Station. (through court cell e-Mode)
The Superintendent, District Jail, Nagercoil. (through e-Mode)
The counsel for the petitioner.