

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.

Thursday, the 16<sup>th</sup> day of May, 2024.

CrI.M.P. No. 126/2024

(CNR.No.TNKK0V-000178-2024)

Manikandan, S/o Narayanan @ Murugan (A1)

.. Petitioner

/Vs./

Inspector of Police,

Vadasery Police Station,

Crime No. 69/2024 of Vadasery Police Station,

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru M. Subash Nathan, 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., (Suspicious Death) @ 302 of IPC.

The case of the prosecution is that on 18.03.2024 at about 10.30 P.M.  
due to previous enmity, the accused attacked the brother of the defacto complainant  
and he succumbed to his injuries. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is  
innocent and he has not committed any offence as alleged by the prosecution and the

petitioner is not known to the deceased and the deceased was a history sheeter and he has various cases in Kottar, Nesamony Nagar and Eathamozhy Police Stations and the offence u/s 302 IPC is not made out against the petitioner and there is no such enmity between the petitioner and the deceased and the petitioner has been under judicial custody from 20.03.2024 and the earlier bail petition in CrI.M.P. No. 2404/2024 was dismissed by the Principal Sessions Court, Nagercoil on 30.04.2024 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 there is a previous enmity between the deceased and the petitioner and on 14.03.2024 this petitioner engaged in an auto rickshaw of the father in law of this petitioner. Subsequently, this petitioner travelled from Chettikulam to his house. The driver of the auto rickshaw demanded the hire. This petitioner took an aruval from his house, abused him and then he damaged the front glass of the auto. On the same day night 10.30 P.M. this petitioner and A2 went to the house of the deceased and watched to murder him. But the deceased was not available in his house. Then on 17.03.2024 at 6.45 P.M. the deceased was standing near Vadasery Bus stand and the same was noted to the 2<sup>nd</sup> accused and who informed to this petitioner. This petitioner went to bus stand and this petitioner and A2 took the deceased in a lonely place near Uduppi International Hotel, Vadasery and both of them assaulted the deceased with stick repeatedly. So he died at the spot. Originally the case was registered u/s 174 of Cr.P.C., subsequently altered u/s 302 of IPC and the investigation of the case is in the initial stage and the deceased has three previous

cases and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

Heard. Perused the CD File. It is seen that the investigation has travelled a long distance. Considering the period of incarceration and the fact that the investigation has been majorly completed, this court is inclined to grant bail to the petitioner/A1 with conditions.

In the result, the petitioner/A1 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, Nagercoil 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 16<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

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