

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 16th day of May, 2024.

CrI.M.P. No. 118/2024

(CNR.No.TNKK0V-000195-2024)

Pitchaikkan, S/o Karuppasamy (A1)

.. Petitioner

/Vs./

Sub Inspector of Police,
Railway Police Station, Nagercoil,
Crime No. 45/2023 of Railway Police Station, Nagercoil,
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Jegan Lal, 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
447 and 353 of IPC and Section 3 of TNPPDL Act.

The case of the prosecution is that on 22.06.2023 two unknown persons
trespassed into the room of the gate keeper and damaged two telephones belongs to
the Railway Department. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is

innocent and he has not committed any offence as alleged in the FIR and the petitioner has been in judicial custody from 26.06.2023 and the co-accused was released on bail by the Principal Sessions Court, Nagercoil on 03.11.2023 in CrI.M.P.No.5638/2023 and the earlier bail petition in CrI.M.P.No.3809/2023 was dismissed by the Principal Sessions Court, Nagercoil on 20.07.2023 and already the petitioner has been detained under Goondas Act and now the Goondas proceedings has been set aside by the Hon'ble Madudrai Bench of Madras High Court 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 defacto complainant is working as a gate keeper of Nedungulam Railway gate. On 22.06.2023 at 1.15A.M. this petitioner and another one accused knocked the door of the room of the gate keeper. When the door was opened by him, the petitioner and another one accused trespassed into the room and poured petrol in the room. So the defacto complainant ran away from the scene for his survival. Then they damaged two railway phones. This petitioner was arrested in Crime No.98/2023 of Moolakkaraipatti Police Station and subsequently he was arrested in this case under P.T. Warrant. Two wheeler used by this petitioner is to be recovered from A2 and A2 is still absconding. Fortunately no train passed at that time. So the accident was averted. It is a heinous crime committed by the petitioner and already the petitioner has been detained under Goondas Act and the Goondas proceedings has been set aside by the Hon'ble Madurai Bench of Madras High Court.

Considering the nature of the offence alleged to have been committed

by the petitioner/accused and also considering the fact that the Goondas proceedings has been set aside by the Hon'ble Madurai Bench of Madras High Court and also considering the fact that the petitioner/accused has been in judicial custody for the past more than 10 months and the occurrence was happened on 22.06.2023 and by this time the major portion of the investigation would have been 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.I, 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 16th day of May, 2024.

Vacation Sessions Judge.

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