

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.117/2024

(CNR.No.TNKK0V-000192-2024)

Joe S/o. Vargheese (A1)

..Petitioner

/Vs./

Inspector of Police,

Vadasery Police Station,

Crime No.65/2024 of Vadasery Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Paul Raj, 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), 323, 506(i) of IPC and Section 4 of TNPHW Act, 2002 @ 294(b), 323, 302
and 506(i) IPC and Section 4 of TNPHW Act, 2002.

The case of the prosecution case is that the defacto complainant is
having one son and one daughter and the petitioner/A1 is the husband of defacto
complainant's daughter and A2 was demanding money and arguing with the defacto
complainant and on 15.03.2024 at about 8.00 P.M., due to instigation of the 2nd

accused, the petitioner/A1 came her parent's house and he asked the defacto complainant that "if you would not give money to my wife" and pulled her hair and beat her and repeatedly stomped on her husband's stomach with leg. Due to that assault, the defacto complainant and her husband were sustained injury and the defacto complainant's husband admitted in the Government Medical College Hospital, Asaripallam and he died on 25.03.2024. 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 was arrested on 17.03.2024 and from that date onwards, he is in the judicial custody and the earlier application in CrI.M.P. No.2094/2024 was dismissed by the Principal Sessions Court, Nagercoil on 16.04.2024 on the ground that the investigation is in preliminary stage and now the investigation 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 this petitioner is the 1st accused and 2nd accused is his wife and the 2nd accused used to demand money from her parents and on 15.03.2024, the 2nd accused demanded money from her mother and when she refused to give money, the 2nd accused called this petitioner and so, he went to the 2nd accused's parent's house and assaulted the mother-in-law and pulled her hand and hair and then he stamped his father-in-law with leg repeatedly and so, he sustained severe injuries on his spleen and small intestine and he was admitted in the hospital and he has undergone a surgery and subsequently, he succumbed to his injuries on 25.03.2024 and the petitioner was arrested on 17.03.2024 and the investigation is not yet over. A2 is the

wife of this petitioner and she is still absconding and he has serious objection 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 60 days has been elapsed and the relationship between the parties, 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, Additional Mahila Court, 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, Additional Mahila Court, 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.