

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. 7/2024

(CNR.No.TNKK0V-000090-2024)

Thuraipandiyan S/o. Chelliah Nadar (A1)

.. Petitioner

/Vs./

Sub Inspector of Police,

South Thamaraikulam Police Station,

Crime No. 46/2024 of South Thamaraikulam Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru M. Murugaperumal, 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 offences u/s
294(b), 147, 148, 324, 307 and 506(ii) of IPC.

The case of the prosecution is that the victim had property in
Agasteeswaram village having survey No.73/8, 73/18, 73/19, 73/20 and the above
property was encroached by the accused illegally and victim filed O.S.No. 69/2014

and obtained decree in his favour and to execute the decree EP 1/2024 has been filed and order was passed in his favour and on 04.04.2024 at about 11.30 A.M., the victim went to spot to execute the decree and at that time, A4 informed the matter to A1, A1 accompanied with other accused came to the spot and attacked the victim with sickle and criminally intimidated him. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner never did any such act and the petitioner do no know about the occurrence and the petitioner was arrested on 04.04.2024 and is in judicial custody from that date onwards and the petitioner is innocent and he is a senior citizen aged 62 years and he is in no way connected with the alleged occurrence and he has no previous cases 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 victim is a practicing Advocate at Nagercoil. A3 encroached the land of victim. The victim filed OS No.69/2014 before the District Court, Nagercoil and the suit was decreed. So the victim filed E.P.No.1/2023 to remove the encroachment in the suit property. On 04.04.2024 the victim, one Advocate and the court bailiff went to the spot and when they executed the work, Santha, who is wife of A1 informed to A1. So A1 to A3 came there. At the time A4 and A5 instigated other accused to inflict cut injuries to the defacto complainant. A1 to A3 inflicted multiple cut injuries on the head of the defacto complainant and he sustained severe injury and the injured is still in hospital and his condition is said to be critical and A1 and A2 were

arrested on 04.04.2024 and A2 was arrested on 25.04.2024 and the investigation of the case is in the initial stage 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 objection of the learned Public Prosecutor that the injured is still in hospital and also considering the gravity of the offence and the stage of investigation, this court is inclined to grant bail to the petitioner/Accused at this stage. Hence this petition is dismissed.

In the result, this petition is dismissed.

Pronounced by me in open court this the 16th day of May, 2024.

Vacation Sessions Judge.