

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. 89/2024

(CNR.No.TNKK00-000034-2024)

Pechi @ Esakkimuthu, S/o Nagarajan

.. Petitioner

/Vs./

Inspector of Police,  
Vadasery Police Station,  
Crime No. 120/2023 of Vadasery Police Station,  
Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Legal Aid Defense Counsel Tmt R.M.Meenakshi, 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) and 302 of IPC.

The case of the prosecution is that due to previous enmity between the accused and the deceased, on 28.08.2023 at about 8.15 A.M. while the deceased and the defacto complainant were standing near Theppakulam North Street,

Krishnankovil, at that time the accused came with knife and abused the deceased in filthy words and assaulted him with screw driver and caused injuries and due to the injuries sustained, he died in the hospital. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent of the offences alleged against him and he did not commit any offence as alleged in the FIR and the petitioner has been in judicial custody from 28.08.2023 and he has been detained under Goondas Act and now the Goondas proceedings has been set aside by the Hon'ble Madurai Bench of Madras High Court in HCP(MD) No.382/2024, dated: 29.04.2024 and the earlier bail petitions in CrI.M.P. No. 5339/2023 and 5742/2023 were dismissed by the Principal Sessions Court, Nagercoil on 03.10..2023 and 18.10.2023 respectively and the case has been charge sheeted and taken on file as SC No. 21/2024 pending before the Principal Sessions Court, Nagercoil 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 case has been charge sheeted and taken on file as SC No. 21/2024 pending before the Principal Sessions Court, Nagercoil and charges framed and proceedings initiated for examination of witnesses, but this petitioner had not engaged counsel, so the case was adjourned 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 the matter is ripe for trial, this court is not 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.