

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.

Crl.M.P. No. 152/2024

(CNR.No.TNKK0V-000205-2024)

1. Mayandi @ Ajith, S/o. Michael Raj @ Velaian (A1)

2. Suresh @ Suresh Gopi, S/o Ramaswamy (A2)

..Petitioners

/Vs./

Inspector of Police,

Karungal Police Station,

Crime No. 54/2024 of Karungal 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 petitioners.

ORDER

Heard both sides. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s
454 and 380 of IPC.

The case of prosecution is that the defacto complainant is working as a
teacher in Sivagangai District and her husband was expired, her children were
residing with her mother at Palapallam and on 28.02.2024 at about 1.30 P.M. the

neighbour of the defacto complainant called her through phone and said that two persons had stolen the big copper lamp, small copper lamps and copper vessels from her house and they caught them, the defacto complainant came there and she went inside the house and saw that the door was broken and they had stolen the above said property. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged in the FIR and they have been falsely implicated in this case and the petitioners have been in judicial custody from 28.02.2024 and the earlier bail petition in CrI.M.P.No.1304/2024 was dismissed by the Judicial Magistrate, Eraniel on 04.04.2024 and the case has been charge sheeted and taken on file as CC No.45/2024 pending before the Judicial Magistrate Court, Eraniel 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 is a theft case and the case has been charge sheeted and taken on file as CC No.45/2024 pending before the Judicial Magistrate Court, Eraniel. On 29.04.2024 the charge has been framed and the petitioner admitted the offence and pleaded guilty. But the learned Judicial Magistrate posted the case for examination of L.W.1 to 3 and now the case stands posted on 24.05.2024 and if the petitioner is released on bail, definitely he will abscond 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.