

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. 115/2024

(CNR.No.TNKK0V-000169-2024)

Maari, W/o. Veeramani

.. Petitioner

/Vs./

Inspector of Police,

Kaliyakkavilai Police Station,

Crime No. 107/2024 of Kaliyakkavilai Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru L. Sahaya Varuvel Rajan, u/s  
439 Cr.P.C., praying to grant bail to the petitioner.

ORDER

Heard both side. Perused the petition.

The petitioner/accused alleged to have been committed the offence u/s  
379 of IPC.

The case of the prosecution is that on 08.04.2024 at about 2.10 A.M.,  
while the defacto complainant was travelled in a Government bus bearing REg. No.  
TN74 N 1640 at Kaliyakkavilai, the accused had looted Rs.300/- from the defacto  
complainant. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and she has not committed any offence as alleged by the prosecution and the real fact is that due to the wordy quarrel between the defacto complainant and the accused in a bus, the defacto complainant had lodged a false complaint against the petitioner and the petitioner has been in judicial custody from 08.04.2024 and the earlier bail petition in CrI.M.P.No. 4792/2024 was dismissed by the Judicial Magistrate No.I, Kuzhithurai on 06.05.2024 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 on 08.04.2024 the defacto complainant and this petitioner were travelling in a bus, at that time this petitioner stolen Rs.300/- from the money purse of the defacto complainant. The defacto complainant and the general public arrested the petitioner and handed over to the police and the address of the petitioner mentioned in the petition is false. In paragraph 4 of the trial court order, it is stated that, “this court has taken into consideration the facts and circumstances of the case, gravity of the offence and report submitted by prosecution seems that petitioner/accused not residing in the mentioned address. Now a days this kind of tactism followed by some of the accused in order to evade trial. Hence this court think that if bail granted to petitioner in future prosecution struggle to serve summon to the accused...”. The investigation of the case is not yet over and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

As pointed out by the learned Public Prosecutor even in the bail petition, the petitioner's address reads as “Near Palakad Bus Stand, Palakad” which

fortifies the order of the learned Judicial Magistrate. Therefore, there is no occasion for this court to interfere with the order of the learned Judicial Magistrate and as such this petition deserves to be dismissed.

In the result, this petition is dismissed.

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

Vacation Sessions Judge.