

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 23rd day of May, 2024.

CrI.M.P. No.199/2024

(CNR.No.TNKK0V-000300-2024)

Selvan Jebaraj @ Kokki Selvan S/o. Chellappan

.. Petitioner

/Vs./

Sub Inspector of Police,

Asaripallam Police Station,

Crime No.42/2024 of Asaripallam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru J. Parthasarathy, u/s 438 Cr.P.C.,
praying to grant anticipatory 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 307 of IPC.

The case of the prosecution is that the accused had with the vengeance
of the defacto complainant being a witness to the case of murder of Alwyn Arul Jose
and on 03.05.2024, when the defacto complainant was riding his motorcycle near the
house of late Alwyn Arul Jose, the accused had attempted to kill the defacto
complainant and caused injury. Hence the charge.

The learned counsel for the petitioner submitted that the defacto complainant is the friend of the petitioner and the defacto complainant used to go for work jointly and so to relieve from stress, they sometimes take liquor and the defacto complainant repeatedly demands money from him for liquor and the accused had avoided the defacto complainant and as a vengeance to it, the defacto complainant had given a complaint for the acts of Section 307 IPC and petitioner is innocent and he is in no way connected with the alleged offence and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that there is a previous enmity between the defacto complainant and this petitioner regarding the administration of Church. Already one Alwin Arul Jose was murdered by opposite group. The defacto complainant is one of the main witness in the murder case. So this petitioner is a close associate of earlier murder case accused. On several occasions the petitioner attempted to hit his tempo as against the defacto complainant. On 03.05.2024 this petitioner hit with his tempo on the two wheeler of the defacto complainant and he sustained severe injury. When the defacto complainant fell down on the ground, this petitioner again attempted to kill him with his tempo and the injured was discharged from the hospital. This case has been registered u/s 307 of IPC and the tempo is to be recovered and the custodial interrogation of the petitioner is essential and this petitioner has four previous cases and the investigation of the case is not yet over and he has serious objection to grant anticipatory bail to the petitioner and the petition may be dismissed.

Considering the nature of the offences alleged to have been committed

by the petitioner/accused and also considering the objection of the learned Public Prosecutor that the tempo is to be recovered from the petitioner and the custodial interrogation of the petitioner is essential and the petitioner has four previous cases and also considering the grave nature of the offence and the previous antecedents of the petitioner/accused and the stage of investigation, this court is not inclined to grant anticipatory 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 23rd day of May, 2024.

Vacation Sessions Judge.