

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. 186/2024

(CNR.No.TNKK0V-000256-2024)

Santhosh, S/o. Jeyasankar (A2)

.. Petitioner

/Vs./

Sub Inspector of Police,

Marthandam Police Station,

Crime No. 152/2024 of Marthandam Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru T. Jegathesh, 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 27.04.2024 at about 9.30 P.M.,
while the defacto complainant bought fish from Andhra in a fish cart towards
Marthandam. In front of the ESSAR travels, the informant stopped the fish cart and
then he was driving and got out. At that time the accused persons took the mobile
phone of the informant worth Rs.1,000/-. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he has been in judicial custody from 28.04.2024 and the property involved in this case also recovered and this is the 2nd bail petition and the earlier bail petition in CrI.M.P.No. 116/2024 was dismissed by this court on 16.05.2024 and the investigation of the case is almost over 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 27.04.2024 this petitioner and another one accused stolen the mobile phone of the defacto complainant and this petitioner was arrested on 28.04.2024 and the investigation is not yet over. Already this petitioner involved in several theft cases. In one case Crime No.17/2024 of Marthandam Police Station and another one case in Crime No.545/2023 of Thuckalay Police Station and another one case in Crime No.95/2023 of Kotticode Police Station. This petitioner approached this court for bail and on 18.03.2024 he was released on bail by this court and during the compliance of condition, this petitioner committed this offence and also he committed two other two wheeler theft cases and he is a habitual offender and after release, this petitioner committed three offences and he is a threat to the society and the earlier bail in CrI.M.P.No. 116/2024 was dismissed by this court only on 16.05.2024 and there is no change of circumstances and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

After granting of bail in earlier occasion, the petitioner has been alleged to have been committed this offence as well as two other offences and also

considering the fact that the earlier bail petition was dismissed only on 16.05.2024 and there is no change of circumstances, 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 23rd day of May, 2024.

Vacation Sessions Judge.