

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.

CrI.M.P. No. 137/2024

(CNR.No.TNKK0V-000220-2024)

Fridolin @ Prodilin, S/o. Sahaya Gritto (A2)

.. Petitioner

/Vs./

Inspector of Police,

Aralvaimozhy Police Station,

Crime No. 367/2022 of Aralvaimozhy Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru C. Jeffino, u/s 438 Cr.P.C.,
praying to grant anticipatory 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 17.12.2022 while the defacto
complainant was standing near Thoivalai, the accused persons came in a two wheeler
and stolen the mobile phone from the informant and ran away from the scene of
occurrence. The defacto complainant chased them and caught the 1st accused and

handed over him to the respondent police. 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 the co-accused A1 was granted bail by the Judicial Magistrate, Boothapandy on 03.01.2023 in CrI.M.P.No. 4324/2022 and the investigation of the case is almost over 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 on 17.12.2022, the petitioner and two others stolen the two mobile phones of the defacto complainant and A1 was arrested by the defacto complainant and subsequently handed over to the police and the other accused ran away from the scene of occurrence along with mobile phones and the property not yet recovered and custodial interrogation is essential and he has serious objection to grant anticipatory 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 also considering the fact that the co-accused/A1 was released on bail by the Judicial Magistrate, Boothapandy on 03.01.2023 and the occurrence was happened on 17.12.2022 and by this time, the investigation would have been completed, this court is inclined to grant anticipatory bail to the petitioner/accused with conditions.

In the result, in the event of arrest or on his appearing before the court concerned the petitioner is ordered to be enlarged on anticipatory bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the

satisfaction of Judicial Magistrate, Boothapandy subject to the following conditions:-

1. The petitioner shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
3. The petitioner shall also make himself available before the respondent as and when required.
4. The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioner shall not leave the jurisdictional police limit without prior permission.

If there is any violation of condition, the Investigation Officer is with in his discretion to approach the court of the learned Judicial Magistrate for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji /Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

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

Vacation Sessions Judge.

To

The Judicial Magistrate, Boothapandy.(through e-mode)

The Inspector of Police, Aralvaimozhy Police Station. (through court cell e-mode)

The counsel for the petitioner.

