

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.229/2024

(CNR.No.TNKK0V-000299-2024)

1. Ajikumar S/o. Thankappan (A1)
2. Saravana Raj S/o. Sanmugam (A3)
3. Abeesh S/o. Christopher (A4)
4. Aswin S/o. Selvakumar (A5)
5. Mohana Krishnan S/o. Ramakrishnan (A6) .. Petitioners

/Vs./

Sub Inspector of Police,
Arumanai Police Station,
Crime No.92/2024 of Arumanai Police Station,
Rep. by P.P. Nagercoil. .. Respondent

This petition is filed by Advocate Thiru R. Ariharan, u/s 438 Cr.P.C.,
praying to grant anticipatory bail to the petitioners.

ORDER

The petitioners/accused alleged to have been committed the offence u/s
143, 341, 353 and 283 of IPC and Section 3(1) TNPPDL Act, 1992.

The case of the prosecution is that on 14.04.2024 at about 3.45 P.M.,
while the defacto complainant was on duty at Arumanai to Puthesandai as Election

Officer, the 1st accused holding an amount of Rs.62,777/- for which the common tax fund of Thodathuvilai, Krishnancoil, in his vehicle number TN 75 AK 7176, then the defacto complainant enquired the 1st accused, he did not have receipts for the payment and then A1 made a call his neighbours and all of sudden 40 members came and suddenly blocked the entire road of his area and was not letting the Election Officer to continue his work. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners have not involved in the alleged occurrence and the respondent police wrongly got an information from some inimical person of the petitioners/accused and registered the case against them and the petitioners are innocent of the offences alleged in the FIR and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

The learned Public Prosecutor opposed the application and submitted that the defacto complainant is working as a head of flying squad for the purpose of Lok Sabha general election and on 14.04.2024, the defacto complainant and other conducted vehicle check-up and at that time, A1 was coming in a two-wheeler and the defacto complainant inspected the two-wheeler of A1 and seized the unauthorized amount of Rs.62,777/- from A1 and the A1 informed to the other accused, nearly 50 persons came there, quarreled with the defacto complainant and forcibly snatched the amount from the defacto complainant and damaged the barricade and the investigation is not yet over and in the event of considering this application, the petitioners may be directed to comply the condition in some other district.

Considering the nature of the offences alleged to have been committed by the petitioners/accused and though the learned Public Prosecutor objected that the investigation is not yet over, considering the fact that the injured persons were discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners/accused with conditions.

In the result, in the event of arrest or on their appearing before the court concerned the petitioners are ordered to be enlarged on anticipatory bail on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.I, Kuzhithurai subject to the following conditions :-

1. The petitioners shall appear before the court concerned within 15 days from today without fail.
2. After release, the petitioners shall appear and sign before the Judicial Magistrate No.I, Kuzhithurai daily at 10.30 A.M. until further orders.
3. The petitioners shall also make themselves available before the respondent as and when required.
4. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
5. The petitioners 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 23rd day of May, 2024.

Vacation Sessions Judge.

To
The Judicial Magistrate No.I, Kuzhithurai. (through e-mode)
The Sub Inspector of Police, Arumanai Police Station.
(through court cell e-mode)
The counsel for the petitioners.