

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. 158/2024

(CNR.No.TNKK0V-000228-2024)

1. Senthil @ Gopalakrishnan (A2)

S/o. Neelankandan @ Neelakandapillai

2. Moni @ Muthukumar S/o. Nampi @ Thiraviyampillai (A3) .. Petitioners

/Vs./

Sub Inspector of Police,

Aralvaimozhi Police Station,

Crime No.135/2024 of Aralvaimozhi Police Station,

Rep. by P.P. Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Ratheesh, 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
151 of Cr.P.C. and Section 7(1)(a) of Criminal Law Amendment Act, 2005.

The case of the prosecution is that on 14.04.2024 at about 7.30 A.M.,
the petitioners and another were assembled in their locality and planned not to be
held the parliamentary election in their locality and further they were planned to
forbid the election by taking the vote box and set it on fire and also planned to
damage the vehicles. Hence the charge.

The learned counsel for the petitioners submitted that the case was falsely registered by the respondent police against the petitioners and the election was happened with peacefully in his locality without any violation and the petitioners are innocent and the investigation of the case is almost over 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 on 14.04.2024 these petitioners and A1 conspired to disturb the Lok Sabha general election and damaged the Electronic Voting Machine and on seeing the police party, the petitioners ran away from the scene of occurrence and A1 was arrested by the police 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 petitioners/accused and also considering the fact that the occurrence was happened on 14.04.2024 and by this time the major portion of the investigation would have been completed and also considering the facts and circumstances of the case, 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, Boothapandy 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 respondent police daily at 10.00 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, Boothapandy. (through e-mode)
The Sub Inspector of Police, Aralvaimozhi Police Station.
(through court cell e-mode)
The counsel for the petitioners.