

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.

Wednesday, the 8<sup>th</sup> day of May, 2024.

CrI.M.P. No. 57/2024

(CNR.No.TNKK0V-000150-2024)

1. Sujin @ Shijin, S/o. Manikyam (A1)
2. Darlin @ Darlin Raj, S/o. Kanakaraj (A2) .. Petitioners

/Vs./

Sub Inspector of Police,  
Kollencode Police Station,  
Crime No. 59/2024 of Kollencode Police Station,  
Rep. by Public Prosecutor, Nagercoil. .. Respondent

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

ORDER

Heard both side. Perused the petition.

The petitioners/accused alleged to have been committed the offence u/s  
294(b), 353, 506(ii) and 379 of IPC.

The case of the prosecution is that on 02.05.2024 at about 8.00 A.M.  
while the police party were on Choolal Checkpost duty, they found a vehicle bearing

Reg.No. TN09 CR 9537 was plying from Fatima Nagar to Choolal Checkpost, at that time the police intercepted the vehicle and found that it contained Blue metals, the police verified the transit pass Serial No.9257 with Reg.No. TN-TNV/M2/489/2023 of RRM Blue Metals, Thisaiyanvilai, Tirunelveli District. The respondent police questioned the driver of the vehicle that the pass was for Fathima Nagar, but the vehicle had come more than 3 kms away from Fathima Nagar, at that time the 2<sup>nd</sup> accused came to the spot and abused the police officials and threatened them and tried to drive the vehicle from the scene of occurrence. Hence the charge.

The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and the vehicle had valid pass for the blue metal, there was a bridge construction work in that locality, so the vehicle was diverted and it went through Choolal Checkpost, which is the only way to Fathima Nagar, at that time one Special Sub Inspector of Police who was on check post duty intercepted the vehicle and demanded money to the driver, when the driver refused, the Special Sub Inspector refused to leave the vehicle and took it to the respondent police and subsequently the 2<sup>nd</sup> accused, who is the owner of the vehicle was called to the police station and said that the vehicle was charged for over load and this false case has been foisted against the petitioner 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 02.05.2024 these petitioners illegally transported four unit of Jally in a Lorry

to Kerala. The petitioner is having transit pass up to Fathima Nagar. But the petitioners illegally transported the jally to Kerala and the petitioners abused the police officials and restrained them from discharging their official duty and the vehicle with contraband seized and the investigation of the case is not yet over and he has serious objection to grant anticipatory bail to these petitioners 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 vehicle along with contraband was seized and 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 No.II, Kuzhtihurai 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 8th day of May, 2024.

Vacation Sessions Judge.

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