

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.37/2024

(CNR.No.TNKK0V-000107-2024)

Sasi Kumar S/o. Chinna Nadar (A2)

.. Petitioner

/Vs./

Sub Inspector of Police,  
Puthukadai Police Station,  
Crime No.97/2024 of Puthukadai Police Station,  
Rep. by P.P. Nagercoil.

.. Respondent

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

ORDER

Heard both sides. 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 06.04.2024 at about 10.00 A.M.,  
while the police party were on rounth duty, they found a tipper tempo bearing Regn.  
No.TN 75 F 2895 contained in M-sand without valid pass and permit. Hence the  
charge.

The learned counsel for the petitioner submitted that the petitioner is only the owner of the vehicle and he had no knowledge of the alleged occurrence and the case has been cooked up against the petitioner and the investigation of the case is almost over and the vehicle with contraband has been seized and the co-accused/A1 was released on bail by the lower court on 12.04.2024 in CrI.M.P. No.4645/2024 and this is the 2<sup>nd</sup> application and the earlier application in CrI.M.P. No.2220/2024 was dismissed by the Principal Sessions Court, Nagercoil on 29.04.2024 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 06.04.2024, A1 illegally transported M-sand in a tempo and A1 arrested by the police and this petitioner is the owner of the tempo and A1 illegally transported contraband in collusion with this petitioner and tempo was seized along with contraband and the investigation is not yet over.

Considering the nature of the offences alleged to have been committed by the petitioner/accused and also considering the fact that the vehicle along with contraband was seized and the occurrence was happened on 06.04.2024 and by this time the major portion of 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 No.II, Kuzhithurai 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 8<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

To

The Judicial Magistrate No.II, Kuzhithurai. (through e-mode)

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

The counsel for the petitioner.