

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 16<sup>th</sup> day of May, 2024.

CrI.M.P. No. 138/2024

(CNR.No.TNKK0V-000222-2024)

Parthiban, S/o. Alakuvel (A4)

.. Petitioner

/Vs./

Sub Inspector of Police,

Kottar Police Station,

Crime No. 162/2024 of Kottar Police Station,

Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru S. Varatharajan, 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 09.05.2024 at about 8.30 A.M. at  
Kottar to Eathamozhy Junction, while the Sub Inspector of Police was conducting  
vehicle check up, they found a lorry bearing Regn. No.TN 75 BH 7616 loaded with  
jalli. While weighing it is found that 5.120 tonns extra load was found in the lorry.  
Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he is the owner of the lorry and he has been implicated only because he is the owner of the lorry and he has not committed any offence as alleged by the prosecution and the vehicle with contraband was seized by the police and the investigation is almost over and A1 to A3 were arrested and released on bail by the lower court in CrI.M.P. No.3552/2024, dated 13.05.2024 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 09.05.2024, A1 to A3 illegally transported jalli in three Taurus lorries and they overloaded the metal in the lorries and A1 to A3 were arrested by the police and this petitioner is the owner of the lorries and A1 to A3 transported mineral with the knowledge and consent of this petitioner 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 petitioner/accused and also considering the submission of the learned counsel for the petitioner that the co-accused/A1 to A3 were granted bail by the lower court and other facts and circumstances of the case, 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, Nagercoil 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 16<sup>th</sup> day of May, 2024.

Vacation Sessions Judge.

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