

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 16th day of May, 2024.

CrI.M.P. No. 77/2024

(CNR.No.TNKK0V-000140-2024)

Zakeer Hussain, C/o Fatharutheen (A1)

.. Petitioner

/Vs./

Inspector of Police,
CSCID Nagercoil,
Crime No.52/2024 of CSCID Nagercoil,
Rep. by Public Prosecutor, Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru N. Babu Rajan, 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
6(4) of TNSC (RDCS) Order 7 (i) (ii) of EC Act, 1955.

The case of the prosecution is that on 26.03.2024 in morning hours while
the CSCID police conducted the vehicle check-up near Padanthalumoodu Checkpost
and they seized one Mahindra Maxi Cab bearing Reg. No.TN74 X 8388 along with
2200 Kg of PDS rice. Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he is the former RC Owner of the vehicle and he is in no way connected in this case and the vehicle with PDS rice seized and A2 and A4 were already arrested and A3 was released on bail by the Principal Sessions Court, Nagercoil on 30.04.2024 in CrI.M.P.No.2367/2024 and A2 and A4 are released on bail by the trial court and the investigation of the case is almost over 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 26.03.2024, this petitioner and four other accused illegally transported 2200 kg. of PDS rice in a vehicle to Kerala. Three accused were arrested by the police and A4 ran away from the scene of occurrence. This petitioner A1 and he is the owner of the vehicle and A2 is the owner of the contraband and this petitioner has three previous cases registered by the CSCID Police and he is a habitual offender and Section 41(A)Cr.P.C. notice was already given to the petitioner and custodial interrogation of the petitioner is essential and the investigation of the case is not yet over and the petition may be dismissed.

Considering the previous antecedents and the nature of the offence alleged to have been committed by the petitioner/accused, besides the fact that 41(A) Cr.P.C. notice has not been complied with the petitioner, this court is not inclined to grant anticipatory bail to the petitioner/accused.

In the result, this petition is dismissed.

Pronounced by me in open court this the 16th day of May, 2024.

Vacation Sessions Judge.

