

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. 142/2024

(CNR.No.TNKK0V-000171-2024)

Subash, S/o Sukumaran (A1)

.. Petitioner

/Vs./

Inspector of Police,

Boothapandy Police Station,

Crime No. 86/2024 of Boothapandy Police Station

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru P. Asokan, u/s 439 Cr.P.C.,
praying to grant 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 23.04.2024 at 11.30 A.M. while
the respondent police were on roanth duty near Erachakulam, Rajivnagar junction,
the1st accused illegally transported M.Sand in a lorry bearing Reg.No. TN75 AY
3777 by using expired transit pass Hence the charge.

The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence and he has been in judicial custody from 23.04.2024 and the earlier bail petition in CrI.M.P.No.1969/2024 was dismissed by the Judicial Magistrate, Boothapandy on 06.05.2024 and the investigation of the case is almost over and the petitioner is ready to abide by any condition and prayed for bail to the petitioner.

The learned Public Prosecutor opposed the application and submitted that on 23.04.2024 at 11.00 A.M. this petitioner illegally transported rock dust by using expired transit pass and he was arrested by the police and the vehicle with contraband seized and the investigation of the case is not yet over and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

Considering the nature of the offence alleged to have been committed by the petitioner/A1 and also considering the fact that the vehicle with contraband seized and the petitioner/A1 has been in judicial custody for the past 23 days and by this time the major portion of the investigation would have been completed, this court is inclined to grant bail to the petitioner/A1 with conditions.

In the result, the petitioner/A1 is ordered to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Judicial Magistrate, Boothapandy and after release the petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders and accordingly this petition is allowed.

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 16th day of May, 2024.

Vacation Sessions Judge.

To

The Judicial Magistrate, Boothapandy. (through e-Mode)

The Inspector of Police, Boothapandy Police Station. (through court cell
e-Mode)

The Superintendent, District Jail, Nagercoil.(through e-mode)

The counsel for the petitioner.