

In the Court of Vacation Sessions Judge, Kanniyakumari District
at Nagercoil.

Present : Thiru. P. Paramasivadosh, B.A., B.L.,
Vacation Sessions Judge/ Additional District and
Sessions Judge, Padmanabhapuram.

Friday, the 22nd day of May, 2026.

CrI.M.P. No. 160/2026

(CNR.No.TNKK0V-000222-2026)

1. Titus, S/o. Simeon (A1)
2. Marimuthu, S/o. Lakshmanan (A2)
3. Suba, D/o Nasayan .. Petitioners

/Vs./

The State of Tamil Nadu,
Through the Inspector of Police,
Puthukadai Police Station,
Crime No.153/2026 of Puthukadai Police Station,
Rep. by Public Prosecutor,
Nagercoil. .. Respondent

This petition is filed by Advocate Thiru A. Paul Raj, u/s 482 of
BNSS, praying to grant anticipatory bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

2. The petitioners/accused are alleged to have committed the
offence u/s 303(2) of BNS r/w 21(1) of MMDR Act.

3. The case of the prosecution is that 07.05.2026 at about 8.30 A.M. the Sub Inspector of Police and his subordinates were conducting vehicle check up near Marayapuram four Way Attru Palam, at that time the 1st accused drove the Bharat Benz 16 wheel tipper bearing Reg. No. TN75 AY 1445, 2nd accused drove the TATA Signa 16 wheel tipper bearing Reg. No. TN75 AV 2066 and other accused persons drove the vehicles bearing Reg. Nos. TN75 AL 9018, TN75 BC 0032, TN75 BD 0565, TN75 BE 4226 and TN75 AV 1878 and the respondent police stopped the vehicle and conducting enquiry, at that time, the accused persons ran away from the occurrence place. Thereafter, the respondent police found that the 1st accused transporting 32 tons of M.Sand using with transit pass No. TSPS04495871 and the 2nd accused transporting 33 tons of M.Sand using with transit pass No. TSPS04495875, but the accused 1 and 2 did not went to the mentioned place in the transit pass and trying to illegally transported the minerals to sell them in Kerala for higher price. Hence the charge.

4. 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 nothing had happened as alleged in the FIR and the co-accused were granted anticipatory bail by the Hon'ble High Court on 20.05.2026 in Crl.OP (MD) No.9483/2026 and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

5. The learned Public Prosecutor opposed the application and submitted that on 07.05.2026, the petitioners and other accused illegally transported minerals from Tamil Nadu to Kerala in 7 lorries. They had obtained transit pass to transport mineral within Kanyakumari District, but they violated the condition laid down in the transit pass and illegally transported Kerala State. So, on seeing the police party, the drivers stopped the lorry and escaped from the scene of occurrence. Totally 7 vehicles in this case bearing Regn. Nos. TN 75AY 1445, TN75 AV 2066, TN75 AL 9018, TN75 BC 0032, TN75 BD 0565, TN75 BE 4226 and TN75 AV 1878 and A1 and A2 are the drivers of the vehicle and A3 is the owner of the two lorries bearing Regn. Nos. TN 75 AY 1445 and TN 75AV 2066 and the investigation of the case is not yet over and he has serious objection to grant anticipatory bail to the petitioners and both the petitions may be dismissed.

6. The learned counsel appearing for the petitioners submitted that similarly placed co-accused have already been granted anticipatory bail by the Hon'ble High Court. It is further submitted that, while granting such relief, the Hon'ble High Court directed deposit of certain amounts before the District Mines Foundation Trust concerned. The learned Public Prosecutor, however, submitted that there is uncertainty as to whether the District Mines Foundation Trust account has been operationalised in the Nagercoil District and, therefore, clarification/modification in mutatis

mutandis is required regarding the mode of deposit directed by the Hon'ble High Court.

7. Considering the submissions made on either side and taking note of the fact that the co-accused have already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners also, subject to appropriate conditions, including a modified condition regarding deposit of the amount through the Assistant Director of Mines, Nagercoil.

8. In the result, in the event of arrest or on the petitioners surrendering before the Court concerned within a period of fifteen (15) days from the date of receipt of a copy of this order, the petitioners shall be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai, subject to the following conditions:

i. The petitioners shall appear before the Court concerned within fifteen (15) days from the date of receipt of a copy of this order.

ii. The Assistant Director of Mines, Nagercoil, shall issue necessary challan to the third petitioner/A3 for remittance of a sum of Rs.10,000/- (Rupees Ten Thousand only) into the appropriate Government Treasury account and the receipt evidencing such deposit shall be produced before the Court concerned at the time of execution of bond.

iii. The petitioners shall cooperate with the investigation and appear

before the respondent police as and when required for enquiry.

iv. After release, the petitioners shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.

v. The petitioners shall also make themselves available before the respondent as and when required.

vi. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

vii. The petitioners shall not leave the jurisdictional police limit without prior permission.

viii. If there is any violation of condition, the Investigation Officer is with in their 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 22nd day of May, 2026.

Vacation Sessions Judge
Kanniyakumari at Nagercoil.

To
The Judicial Magistrate No.II, Kuzhithurai. (through e-mode)
The Inspector of Police, Puthukadai Police Station.
(through court cell e-mode)
The Assistant Director of Mines, Nagercoil.
The counsel for the petitioners.