

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

Present : Thiru B. Karthikeyan, B.L.
Principal Sessions Judge

Thursday, the 30th day of April, 2026.

Crl.M.P. No.1342/2026 (CNR.No.TNKK01-002116-2026)

and

Crl.M.P. No.1391/2026 (CNR.No.TNKK01-002186-2026)

Narayana Perumal S/o. Samuthra Pandian (A2)

...Petitioner in Crl.M.P. No.1342/2026

Selvarajan S/o. Nagarajan

...Petitioner in Crl.M.P.No.1391/20226

/Vs./

The State of Tamil Nadu,

Through the Inspector of Police,

Anjugramam Police Station,

Crime No.101/2026 of Anjugramam Police Station

Rep by Public Prosecutor, Nagercoil.

..Respondent

This petition is filed by Advocate Tvl. N. Thiyagarajan and
S. Varatharajan respectively, u/s 482 of BNSS praying to grant anticipatory
bail to the petitioner in both petitions.

ORDER

Heard both sides. Perused the petition.

2. These two petitions are filed by different accused, but in the same crime number.

3. The petitioners/accused are alleged to have committed the offences u/s. 303(2) of BNS.

4. The case of the prosecution is that on 19.04.2026 at about 3.30 P.M., while the respondent police is roaming near Mylaudy Bridge, they found that vehicle bearing Regn. No.TN 74 BH 3607 Bharat Benz Tipper carrying three units of red soil without any permission. Hence the charge.

5. The learned counsel for the petitioner in CrI.M.P. No.1342/2026 submitted that the petitioner is the owner of the lorry and on 19.04.2026, while levelling the property, the driver transported red sand from highest place to lowborn place within the property and at that time, the respondent police seized the lorry from the driver and registered the case falsely and the petitioner is innocent of the offence alleged against him and he is in no way connected with the alleged occurrence and nothing had happened as alleged in the FIR and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

6. The learned counsel for the petitioner in CrI.M.P. No.1391/2026 submitted that the name of the petitioner was not found in the FIR and the petitioner is innocent of the offence alleged against him and he

has not committed any offence as alleged and nothing had happened as alleged in the FIR and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

7. The learned Public Prosecutor opposed the application and submitted that the petitioner in CrI.M.P. No.1342/2026 is the owner of the vehicle bearing Regn. No.TN74 BH 3607 and the petitioner in CrI.M.P. No.1391/2026 is the driver of JCB bearing Regn. No.TN57AR8049. On 19.04.2026, when the police party on patrol duty near Mylaudy Koondu Palam towards north to south, they intercepted one Bharat Benz Tipper Lorry bearing Regn. No.TN74 BH 3607, but the driver stopped the vehicle and ran away from the scene of occurrence. The police party inspected the vehicle and found that they transported 3 units of red soil in a lorry without valid permission and seized the lorry and JCB and A1 was arrested and still in custody and the investigation is not yet over and the private complaint as well as confiscation petition to be filed by the respondent police before the concerned Judicial Magistrate and he has serious objection to grant anticipatory bail to the petitioner and the petition may be dismissed.

8. Insofar as the filing of private complaint and the confiscation petition in the light of the orders passed by the Hon'ble High Court in *Muthu /Vs./ District Collector (2018 SCC Online Mad. 13985)* and in *Paragraph 11.2 of its decision dated: 11.10.2023 in Ramar /Vs./*

State & Others (Cr.R.C.(MD) No. 470/2023 and other cases).

9. These petitions are filed before this court on 27.04.2026 and posted for enquiry on 29.04.2026 and subsequently, these petitions were adjourned to 30.04.2026. Today, the learned Public Prosecutor submitted that the private complaint and the confiscation petition have not been filed by the Investigation Officer.

10. Considering the fact that the FIR has been registered on 19.04.2026. The Investigation Officer has not filed the petition to confiscate the vehicle involved in this case and the private complaint, indicating the lack of seriousness on the part of the Investigation officer in proceeding with the prosecution of the offence alleged against the petitioners. In such circumstances, this court finds that the custodial interrogation of the petitioners may not be required for the prosecution and this court is inclined to grant interim anticipatory bail to the petitioner in both petitions till 02.06.2026 with conditions.

11. In the result, in the event of arrest or on their appearing before the court concerned the petitioners are ordered to be enlarged on interim anticipatory bail till 02.06.2026 on their executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.III, Nagercoil subject to the following conditions:-

- i. The petitioners shall appear before the court concerned within fifteen days from today without fail.
- ii. After release, the petitioners shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
- iii. The petitioners shall also make themselves available before the respondent as and when required.
- iv. The petitioners shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
- v. The petitioners 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.***

12. However, the fact remains that the Investigation Officer has failed to comply with the directions of the Hon'ble High Court in the respondent police had not filed any confiscation petition as required by law and as directed by the Hon'ble High Court in ***Muthu /Vs./ District Collector (2018 SCC Online Mad. 13985) and in Paragraph 11.2 of its decision dated: 11.10.2023 in Ramar /Vs./ State & Others (Cr.R.C.(MD) No.***

470/2023 and other cases) even after nearly 11 days from the date of FIR. Therefore, the Inspector of Police, Anjugramam Police Station is directed to submit his explanation on 03.06.2026 as to why action for contempt shall not be recommended against him to the Hon'ble High Court for failure to file confiscation petition even after nearly 11 days from the registration of FIR.

Call on 03.06.2026.

Pronounced by me in open court this the 30th day of April, 2026.

Principal Sessions Judge,
Kanniyakumari at Nagercoil.

To
The Judicial Magistrate No.III, Nagercoil. (through e-mode).
The Inspector of Police, Anjugramam Police Station.
(through court cell e-Mode)
The counsel for the petitioner in both petitions.