

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

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

Tuesday, the 3rd day of March, 2026.

CrI.M.P. No.439/2026(CNR.No.TNKK01-000657-2026)

and

CrI.M.P. No.516/2026 (CNR.No.TNKK01-000770-2026)

Rajini Yesudhas W/o. Vijin Jose (A7)

.. Petitioner in CrI.M.P. No.439/2026

1. Ajay S/o. Ayyappan (A1)
2. Rajini S/o. Surayan (A2)
3. Shyju S/o. Sathananthan (A4)

...Petitioners in CrI.M.P. No.516/2026

/Vs./

The State of Tamil Nadu,
through the Inspector of Police,
Kulasekharam Police Station,
Crime No.33/2026 of Kulasekharam Police Station,
Rep by Public Prosecutor, Nagercoil.

..Respondent

These two petitions are filed by Advocates Tvl. D. Justin Rajan and M. Rajinikanth respectively, u/s 482 of BNSS praying to grant anticipatory bail to the petitioners in both petitions.

ORDER

Heard both side. Perused the petitions.

2. These two petitions are filed by the 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 and Sec.21(1) of MMDR Act.

4. The case of the prosecution is that on 01.02.2026 at about 3.30 A.M., the petitioners illegally transported mines with the help of Hitachi and two tempos and one of the tempo is bearing Regn. No.TN75 E 1566. Hence the charge.

5. The learned counsel for the petitioner in CrI.M.P. No.439/2026 submitted that the petitioner is innocent and nothing had happened as alleged in the FIR and the investigation of the case is almost over and the petitioner is the owner of 11 cents of property, some cubic soil existed in the said land which was looted by some unknown person and he has given complaint before the respondent police on 02.02.2026, but the Police falsely implicated the petitioner in this case as A7 and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the

petitioner.

6. The learned counsel for the petitioners in Crl.M.P. No.516/2026 submitted that the petitioners are innocent of the offences alleged against them and they are in no way connected with the alleged occurrence and the petitioners 1 and 3 are driver and owner of the tempo bearing Regn. No.TN 75 E 1566 respectively and the 2nd petitioner is working as a coolie and they have been wrongly implicated in this case due to wreak vengeance and the petitioners are ready to abide by any condition and prayed for anticipatory bail to the petitioners.

7. On 18.02.2026, the learned counsel for the petitioners in Crl.M.P. No.516/2026 filed a memo stating that the 1st petitioner was arrested and in view of the said memo, the petition against A1 dismissed as not pressed.

8. The learned Public Prosecutor opposed the application and submitted that on 01.02.2026 at midnight, these petitioners and other accused excavated soil in the land of A5 with the help of Hitachi and loaded the same in two tempos bearing Regn. No.TN74AD 5370 and TN 75 E 1566 and on seeing the police, all the accused ran away from the scene of occurrence. A1 is the driver of the tempo bearing Regn. No.TN 75 E 1566, A2 is the cleaner of the tempo driven by A1, A6 is the owner of the tempo driven by A1, A4 is the owner of the Hitachi and A7 is the Operator of the

Hitachi and A3 is the owner cum driver of the tempo bearing Regn. No.TN 74 AD 5370 and the vehicles with contraband seized. Investigation of the case is not yet over. On 11.02.2026, A1 and A5 were arrested by the police. Private complaint filed. Confiscation petition is concerned, totally there are three vehicles involved in this case, but the police filed a single petition instead of three petitions through e-filing No.202600052 before the Judicial Magistrate No.II, Padmanabhapuram. So, the prosecution agency decided to withdraw the earlier petition and file separate petition for each vehicle and he has serious objection to grant anticipatory bail to the petitioners and the petitions may be dismissed.

9. Considering the nature of the offences alleged to have been committed by the petitioners/Accused and also considering the submission of the learned Public Prosecutor that the vehicles along with contraband seized and now the respondent police filed a private petition as well as petition for confiscation of all the above vehicles through e-filing, this court is inclined to grant anticipatory bail to the petitioner in CrI.M.P. No.439/2026 and petitioners 2 and 3 in CrI.M.P. No.516/2026 with conditions.

10. In the result, in the event of arrest or on their appearing before the court concerned the petitioner in CrI.M.P. No.439/2026 and petitioners 2 and 3 in CrI.M.P. No.516/2026 are ordered to be enlarged on

bail 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.II, Padmanabhapuram subject to the following conditions:-

- i. The petitioner in Crl.M.P. No.439/2026 and petitioners 2 and 3 in Crl.M.P. No.516/2026 shall appear before the court concerned within 15 days from today without fail.
- ii. After release, the petitioner in Crl.M.P. No.439/2026 and petitioners 2 and 3 in Crl.M.P. No.516/2026 shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
- iii. The petitioner in Crl.M.P. No.439/2026 and petitioners 2 and 3 in Crl.M.P. No.516/2026 shall also make themselves available before the respondent as and when required.
- iv. The petitioner in Crl.M.P. No.439/2026 and petitioners 2 and 3 in Crl.M.P. No.516/2026 shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.
- v. The petitioner in Crl.M.P. No.439/2026 and petitioners 2 and 3 in Crl.M.P. No.516/2026 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.***

For appearance of Investigation Officer, call on 09.03.2026.

Pronounced by me in open court this the 3rd day of March, 2026.

Principal Sessions Judge,
Kanniyakumari at Nagercoil.

To
The Judicial Magistrate No.II, Padmanabhapuram. (through e-mode)
The Sub Inspector of Police, Kulasekharam Police Station.
(through court cell e-mode)
The counsel for the petitioners in both petitions.