

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

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

Wednesday, the 11th day of March, 2026.

CrI.M.P. No. 578/2026

(CNR.No.TNKK01-000906-2026)

and

CrI.M.P. No. 634/2026

(CNR.No.TNKK01-000950-2026)

Sujin, S/o. Kanakaraj (A1) .. Petitioner in CrI.M.P. No.578/2026

S. Sunil Singh, S/o. Sylus (A2) .. Petitioner in CrI.M.P. No.634/2026

/Vs./

The State of Tamil Nadu,

Through the Inspector of Police,

Kaliyakkavilai Police Station,

Crime No. 44/2026 of Kaliyakkavilai Police Station

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

These two petitions are filed by Advocate Tvl P. Michael and
T.Santhosh Kumar respectively, u/s 482 of BNSS praying to grant
anticipatory bail to the petitioner in both petitions.

COMMON ORDER

Heard both sides. Perused the petitions.

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

3. The petitioners/accused are alleged to have committed the offence u/s 303(2) of BNS r/w Sec. 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

4. The case of the prosecution is that on 14.02.2026 at about 21.30 hours while the police party was on rounds and when they reached Kakkottuvilai, Eruthavoor, it was noted that red sand was transported in a tempo bearing Reg. No. TN75 AT 5580 and on seeing the police, the 2nd accused escaped from the scene of occurrence and it was transported to sell the same by loading in a tempo for attaining unlawful gain. Hence the charge.

5. The learned counsel for the petitioner in CrI.M.P. No.578/2026 submitted that the petitioner is innocent and he is the owner of the land and he intend to construct a new house, for that purpose he dug the mud for laying foundation and he has not committed any offence as alleged by the prosecution and the vehicle with contraband seized 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.

6. The learned counsel for the petitioner in CrI.M.P. No.634/2026 submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and the vehicle with contraband seized 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.

7. The learned Public Prosecutor opposed the application and submitted that on 14.02.2026 the 2nd accused illegally transported one unit of red soil in a tempo bearing Reg. No. TN75 AT 5580 without transit pass and on seeing the police party, he stopped the tempo and escaped from the scene of occurrence and the vehicle along with contraband seized. The 2nd accused excavated soil from the land of 1st accused and illegally transported the same and the investigation of the case is not yet over and the prosecution filed petition for confiscation of vehicle as well as private complaint before the Judicial Magistrate No.I, Kuzhithurai through e-filing No. C202600051 and he has serious objection to grant anticipatory bail to the petitioners and both petitions may be dismissed.

8. 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 vehicle was seized and now the respondent police filed petition for confiscation of the above vehicle as well as private complaint through e-filing, this court is inclined to grant anticipatory bail to the petitioners/Accused in both petition with conditions.

9. In the result, in the event of arrest or on their appearing before the court concerned the petitioners are ordered to be enlarged on anticipatory 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.I, Kuzhithurai subject to the following conditions :-

- i) The petitioners shall appear before the court concerned within 15 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.**

Pronounced by me in open court this the 11th day of March, 2026.

Principal Sessions Judge,
Kanniyakumari at Nagercoil.

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