

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. 753/2026

(CNR.No.TNKK01-001192-2026)

Sreeharan (A1)

S/o. Gangadharan Nair

.. Petitioner

/Vs./

The State of Tamil Nadu,

Through the Inspector of Police,

Karungal Police Station,

Crime No. 21/2026 of Karungal Police Station

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

This petition is filed by Advocate Thiru A. Paul Raj, u/s 483 of
BNSS praying to grant bail to the petitioner.

ORDER

Heard both sides. Perused the petition.

2. The petitioner/accused is alleged to have committed the
offence u/s 303(2) of BNS and Sec. 21(4) of Mines and Minerals
(Development and Regulation) Act.

3. The case of the prosecution is that on 27.01.2026 at about 12.30 A.M. the Sub Inspector of Police while conducting vehicle check up at Nedyavilagam found that the 1st accused driven a tempo owned by the 2nd accused bearing Reg. No. TN74 AM 0227 loaded with stone without any pass or permit. Hence the charge.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he was arrested by the respondent police on 27.01.2026 and already this petitioner filed a bail petition in CrI.M.P. No.549/2026, and this court granted interim bail to the petitioner from 16.02.2026 to 24.02.2026 and as per direction of this court, on 24.02.2026 he surrendered before the Judicial Magistrate, Eraniel and remanded to judicial custody and on 26.02.2026 the said CrI.M.P.No.549/2026 was posted for enquiry and it was dismissed as no instruction by this court 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.

5. The learned Public Prosecutor opposed the application and submitted that on 27.01.2026 the 1st accused illegally broken rocks available in the property of A3 and illegally transported the same in a tempo bearing bearing Reg. No. TN74 AM 0227 without transit pass and he was arrested by

the police and A2 is the owner of the tempo and the vehicle with contraband seized and the investigation of the case is not yet over and the respondent police filed a private complaint as well as petition for confiscation of vehicle before the Judicial Magistrate, Eraniel through e-filing No. C202600043 and he has serious objection to grant bail to the petitioner and the petition may be dismissed.

6. Considering the nature of the offences alleged to have been committed by the petitioner/Accused and also considering the submission of the learned Public Prosecutor that the vehicle was seized and now the respondent police filed a private complaint and the petition for confiscation of the above vehicle through e-filing and also considering the period of incarceration of the petitioner/accused, this court is inclined to grant bail to the petitioner/ Accused with conditions.

7. In the result, the petitioner/accused 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, Eraniel 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 11th day of March, 2026.

Principal Sessions Judge,
Kanniyakumari at Nagercoil.

To
The Judicial Magistrate, Eraniel. (through e-mode).
The Secretary, District Legal Services Authority, Nagercoil.
(through e-mode)
The Inspector of Police, Karungal Police Station.
(through court cell e-Mode)
The Superintendent, District Jail, Nagercoil. (through e-Mode)
The counsel for the petitioner.