

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

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

Wednesday, the 29th day of April, 2026.

Crl.M.P. No. 1255/2026

(CNR.No.TNKK01-001967-2026)

R. Vijayannithi

S/o. Rasaiah

.. Petitioner

/Vs./

The State of Tamil Nadu,

Through the Inspector of Police,

Anjugramam Police Station,

Crime No.57/2026 of Anjugramam Police Station

Rep. by Public Prosecutor,

Nagercoil.

.. Respondent

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

ORDER

Heard both side. Perused the petition.

2. The petitioner/accused is alleged to have committed the
offence u/s 303(2) of BNS.

3. The case of the prosecution is that on 21.02.2026, the

accused persons stolen three units of red soil without any permit or proper documents. Hence the charge.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he is the JCB Operator and no such occurrence happened as alleged in the FIR and one of the co-accused was granted bail by this court on 18.03.2026 in CrI.M.P. No.911/2026 and another one accused was granted anticipatory bail by this court on 08.04.2026 in CrI.M.P. No.771/2026 and the petitioner is ready to abide by any condition and prayed for anticipatory bail to the petitioner.

5. The learned Public Prosecutor opposed the application and submitted that on 21.02.2026 the 1st accused illegally transported 3 units of red soil in a Tata Mini Tipper Lorry bearing Reg. No. TN72 DW 4520 without transit pass. So the police party arrested the 1st accused and vehicle along with contraband seized by the police. A1 confessed that he and other accused illegally excavated soil from the Government puramboke land with the help of JCB. A1 is the driver and A2 is the owner of the Tata Mini Tipper Lorry, A3 is the owner of the JCB and A4 is the driver of the JCB and A5 is the purchaser of the soil. JCB also seized and the investigation is not yet over and the prosecution filed petition for confiscation of vehicle as well as private complaint before the Judicial Magistrate No.III, Nagercoil through e-filing No. C202600142 and he has serious objection to grant anticipatory

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 along with contraband seized and now the respondent police filed petition for confiscation of the above vehicle as well as the private complaint through e-filing, this court is inclined to grant interim anticipatory bail to the petitioner/Accused till 02.06.2026 with conditions.

7. In the result, in the event of arrest or on his appearing before the court concerned the petitioner is ordered to be enlarged on interim anticipatory bail till 02.06.2026 on his 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 petitioner shall appear before the court concerned within fifteen days from today without fail.
- ii. After release, the petitioner shall appear and sign before the respondent police daily at 10.00 A.M. until further orders.
- iii. The petitioner shall also make himself available before the respondent as and when required.
- iv. The petitioner shall not tamper with the witnesses or in any manner interfere with or put obstacle to the smooth progress of investigation.

v. The petitioner 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.***

The Inspector of Police, Anjugramam Police Station is directed to report compliance of the order dated: 08.04.2026 passed in CrI.M.P. No.771/2026 and CrI.M.P. No.911/2026.

Call on 03.06.2026.

Pronounced by me in open court this the 29th 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.