

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. 1331/2026

(CNR.No.TNKK01-002094-2026)

Ananth S/o. Madasamy(A2)

... Petitioner

/Vs./

The State of Tamil Nadu,

through the Inspector of Police,

Anjugramam Police Station,

Crime No. 81/2026 of Anjugramam Police Station

Rep by Public Prosecutor, Nagercoil.

... Respondent

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

ORDER

Heard both sides. Perused the petition.

2. The petitioner/accused is alleged to have committed the
offences u/s 303(2), 318(4), 336(2) and 336(3) of BNS.

3. The case of prosecution is that on 21.03.2026 at about 10.30
A.M., the respondent police party was conducting vehicle inspection near
Kanimadam Check post and at that time, the 1st accused driven the Ashok

layland tipper truck bearing registration No.TN 72 D X 7576 and the police intercepted the vehicle and they found the the accused transported approximately 3 units of granite stones in the said vehicle without valid transport permit and used forged documents to transit. Hence the charge.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he is in no way connected with the alleged occurrence and he has been falsely implicated in this case and the vehicle along with contraband was seized by the police and the 1st accused was released on bail 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 21.03.2026 the 1st accused illegally transported 2 units of granite stone in a tipper lorry bearing Reg. No. TN72 DX 7576 with forged transit pass. So the police arrested the 1st accused and the vehicle along with contraband seized. The 1st accused confessed that the fake pass given to him by one Anandh and the investigation of the case is not yet over and the private complaint and the petition for confiscation of the vehicle are to be filed by the respondent police before the concerned Judicial Magistrate and the custodial interrogation of the petitioner is highly essential and he has serious objection to grant anticipatory bail to the petitioner and the petition

may be dismissed.

6. The learned Public Prosecutor represented that the respondent police has not yet filed the petition for confiscation of the vehicle as well as private complaint.

7. The Hon'ble Supreme Court in various decisions including the decision in *Gurbaksh Singh Sibbia Vs. State of Punjab* reported as *AIR 1980 SC 1632*, by noting that the court has to strike a balance between the individuals right to personal freedom and the investigational rights of the police, had pointed out to its earlier orders of anticipatory bail, wherein while granting such orders to many a person had imposed conditions set out in Section 438(2) (i) (ii) and (iii) of Cr.P.C., (now Section 482 (2) (i) (ii) and (iii) of BNSS), in addition to the direction in most of those cases, that the applicant should surrender himself to the police for a brief period if a discovery is to be made u/s 27 of the Evidence Act (now Section 23 of the Bharatiya Sakshya Adhiniyam, 2023) or that he should be deemed to have surrendered himself, if such discovery is to be made. In other words, the Supreme Court, in order to balance the right of an individual to personal freedom and the investigational rights of the police, even while granting anticipatory bail, has allowed, custody of the accused for a brief period for facilitating discovery u/s 27 of the Evidence Act.

8. In the present case, considering the nature of the offence and the argument of the learned counsel for the petitioner/accused that the 1st accused was released on bail and also the argument of the learned Public Prosecutor that the custodial interrogation of the petitioner is essential, it would be appropriate to adopt the said approach of Hon'ble Supreme Court, so that both the rights referred above are balanced. As such, this court is inclined to grant interim anticipatory bail to the petitioner/Accused till 02.06.2026 with conditions.

9. 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 surrender before the SHO, Anjugramam Police Station, on 02.05.2026 before 9.00 A.M. without fail, upon which he shall be in the custody of the Investigation Officer of Crime No. 81/2026 of Anjugramam Police Station, till 6.00 P.M. The said period shall be used by the Investigation Officer for investigation, after which he shall be released from custody.

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

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 58 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 39 days from the registration of FIR.

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.