

**IN THE COURT OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
PRINCIPAL DISTRICT & SESSIONS JUDGE, COIMBATORE**

Tuesday, this the 10th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION No.906/2026

Athilingam (Age 23 years)
S/o. Thangalingam.

... Petitioner / Accused

/vs/

State, Rep. by
through the Inspector of Police,
Peelamedu Police Station,
Crime No.96/2026.

Offences:u/s. 329(4) and 305(a) of BNS.

Through the Public Prosecutor, Coimbatore.
(The Judicial Magistrate Court No.2, Coimbatore.)

... Respondent

This petition filed on behalf of the petitioner to release him on bail u/s.483 of BNSS.

This petition is coming on this day for final hearing before this Court in the presence of **Tvl. M. Sampath Muthukumar, A. Saroon Sabartina and N.Dinesh Kumar**, Advocate for the Petitioner / Accused and **Thiru. V. Ravichandran, Public Prosecutor**, represented for State, upon perusing the petition submitted and upon hearing both side arguments, this Court pronounced the following:-

ORDER

Heard both side.

The petitioner is the accused in Crime No.96/2026 of Peelamedu Police Station, for the alleged offence u/s.329(4) and 305(a) of BNS, he has filed this petition, seeking grant of bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are known persons. The defacto complainant is running a grocery

shop. The petitioner is running Iron scrap shop. The petitioner used to help the defacto complainant to load and unload the vegetable from the defacto complainant's shop to his house. At that time, the petitioner came to know that the defacto complainant has not locked his house and he always kept the door opened for business purpose. While so, on the date of occurrence, the defacto complainant went to his relative's house for a condolence and at that time, the petitioner illegally trespassed into the house of the defacto complainant and committed theft of gold jewels weighing 3 $\frac{3}{4}$ sovereigns and escaped from that place and further the petitioner pledged the said jewels in CUB Bank and received a sum of Rs.3,47,000/-. Hence, the present case.

3. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are known persons for the past 10 years. The defacto complainant handed over the jewels to the petitioner and requested him to pledge the same in his name and as such, the petitioner received the gold jewels and pledged the same in his name. Thereafter, due to dispute between the parties, the defacto complainant lodged a false complaint against the petitioner as if he committed theft of the gold jewels. The learned counsel has further submitted that the petitioner has settled the amount to the bank. The learned counsel has further submitted that the petitioner is innocent and he has been falsely implicated in this case and he never indulged in any such activities as alleged and he is in judicial custody for the past 13 days and prays to enlarge the petitioner on bail.

4. The learned Public Prosecutor submitted that the petitioner and the defacto complainant are known persons. The defacto complainant is running a grocery shop. The petitioner is running Iron scrap shop. The petitioner used to help the defacto complainant to load and unload the vegetable from the defacto complainant's shop to his house. At that time, the petitioner came to know that the defacto complainant has not locked his house and he always kept the door opened for business purpose. While so, on the date of occurrence, the defacto complainant went to his relative's house for a condolence and at that time, the petitioner illegally trespassed into the house of the defacto complainant and committed theft of gold jewels weighing 3 $\frac{3}{4}$ sovereigns and escaped from that place and further the petitioner pledged the said jewels in CUB Bank and received a sum of Rs.3,47,000/-. As of now, the gold jewels have been recovered from the bank. No previous case is reported against the petitioner. Investigation is still pending.

5. After considering the submissions, considering the nature of offence, having regard to the period of incarceration, as property has been recovered, no previous case is attributed against the petitioner, **this Court is inclined to grant bail to the petitioner subject to the following conditions:-**

(i) The petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.2, Coimbatore.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity.

(iii) The petitioner is directed to sign before the respondent police, daily at 10.00 a.m. for a period of 15 days.

(iv) The petitioner shall not abscond either during investigation or trial.

(v) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji /vs/ State of Kerala [(2005) AIR SCW 5560]**.

(vii) If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

This order is dictated to steno-typist, typed by her, corrected and pronounced by me on this 10th day of March, 2026.

PRINCIPAL DISTRICT & SESSIONS JUDGE,
COIMBATORE.

CC to :

1. The Judicial Magistrate Court No.2, Coimbatore.
2. The Superintendent, Central Prison, Coimbatore.
3. The Public Prosecutor, Coimbatore.
4. The Inspector of Police, Peelamedu Police Station,
5. Counsel for the Petitioner / Accused.