

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI**PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,****Principal Sessions Judge, Pudukkottai.****Saturday the 07th day of March, 2026**

Criminal Miscellaneous Petition No:592/2026

{CNR No.TNPD01-0010632026}

Thirupathy, S/o. Palanisamy.

.....Petitioner/Accused

/Versus/

State of Tamil Nadu represented by Inspector of Police,

Viralimalai Police Station,

Cr.No.87/2026

...Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru.K.M.Azhagan, Learned Advocate appearing for the Petitioner and the Learned Public Prosecutor Thiru.B.Venkatesan, on behalf of the Complainant and this Court passed the following,

ORDER

This e-petition is filed by the petitioner U/s.482 of Bharatiya Nagarik Suraksha Sanhita (BNSS)-2023, praying for anticipatory bail.

Notice was issued. Reply was filed by the prosecution.

The Learned Counsel for the petitioner submits that the petitioner is being charged for offences U/s.303(2) of BNS r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.87/2026 of Viralimalai Police Station and he has not committed any offences as alleged and he has been falsely implicated in this case. He further submits that the petitioner undertakes that he would not involve this kind of offence hereinafter and to that effect, the petitioner filed his affidavit. He further submits that the petitioner is voluntarily willing to deposit any reasonable amount to any welfare measure as directed by this court and he is ready to abide by any condition imposed by this Court and hence, he seeks anticipatory bail for the petitioner.

Per contra, the Learned Public Prosecutor submits that on 24.02.2026, this petitioner herein committed a theft of 3 unit of gravel sand in in a Ashok Leyland Tipper Lorry bearing registration No. TN 28 BJ 6495 along with sand have been seized and on

seeing the respondent, the petitioner escaped from the scene of occurrence abandoning the vehicle along with the sand and the same has been seized and the accused has no previous case. He further submits that the investigation is not completed and hence, he strongly opposed to grant anticipatory bail in favour of the petitioner.

With regard to anticipatory bail, this court relied upon a case law reported in AIR 1980 SC. 1632 rendering by our Hon'ble Supreme Court of India in a case of Shri Gurbaksh Singh Sibbia Vs. State of Punjab, wherein it has been held as follows:-

"The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail."

Rival submissions are taken into consideration. Records perused. The petitioner is alleged to have committed the offence as against the natural resource. However, it seems that the material part of the investigation would have been completed by this time. By considering the above aspects, other facts and circumstances of the case and taking note of the submission put forth on the side of the petitioner that the petitioner is voluntarily willing to deposit any reasonable amount to any welfare measure as directed by this court and taking note of the affidavit filed by the petitioner that he would not involve this kind of offence or any kind of offences hereinafter, in view of the decision cited supra and in the absence of any serious objection on the side of the prosecution, this court is of the view that the petitioner can be granted anticipatory bail.

In the result, this Anticipatory Bail petition is allowed with the following conditions:-

- 1) The petitioner shall pay a non - refundable deposit a sum of Rs.2,000/- (Rupees two thousand) before the Mediation and Conciliation Centre, Pudukkottai within 30 days and obtain receipt for the same and produce it before the Jurisdictional Magistrate .

2) **On Production of receipt for payment of such deposit** only, the petitioner is ordered to be enlarged on **anticipatory bail** in the event of arrest or on his appearance before the Jurisdictional Magistrate within a period of 30 days from today and on executing an own bond for a sum of Rs.10,000/- (Rupees Ten Thousands Only) with two sureties for a like sum to the satisfaction of the Jurisdictional Magistrate,

3) The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and also submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their identity,

4) The petitioner shall appear and sign before the Station House Officer of Respondent Police Station daily at 10.30 a.m. for a period of 30 days (including holidays) from the next day of execution of bond before the Jurisdictional Magistrate, without fail and thereafter, as and when required for interrogation,

5) The petitioner shall comply with the conditions stipulated u/s 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023 scrupulously,

6) The petitioner shall surrender before the Jurisdictional Magistrate within 30 days from the date of this order, failing which, this anticipatory bail order shall stand cancelled automatically without any further reference to this court.

7) On breach of any of the above said conditions, the Jurisdictional Magistrate is entitled to take appropriate action against the petitioner in accordance with law as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported in (2005) AIR SC W 5560

8) If the petitioner thereafter absconds, a fresh FIR can be registered under section 269 of BNS and

9) The Station House Officer of Respondent P.S., is directed to send a report to this court as to compliance of reporting condition by the petitioner.

Pronounced by me in Open Court, this the 07th day of March, 2026.

**Principal Sessions Judge,
Pudukkottai.**

Copy to:

The District Munsif cum Judicial Magistrate, Viralimalai.
The Inspector of Police, Viralimalai P.S.,
The Counsel for the petitioner.