

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI
PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,
Principal District and Sessions Judge, Pudukkottai.
Friday the 12th day of June 2026
Criminal Miscellaneous Petition No:1547/2026
{CNR No.TNPD01-0027682026}

Arivazhagan, S/o. Kaliyamoorthy

.....Petitioner/Accused

/Versus/

State of Tamil Nadu represented by the Sub-Inspector of Police,
Keeranur Police Station,
Cr.No. 170/2026

...Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru.K.M.Alagan, 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 petition is filed by the petitioner u/s 483 of Bharatiya Nagarik Suraksha Sanhita(BNSS)- 2023, praying for bail.

Notice was issued. Reply was filed by the prosecution.

The Learned Counsel for the petitioner submits that the petitioner is being charged for the offences u/s 303(2) of BNS r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.170/2026 of Keeranur 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. He further submits that the petitioner is in judicial custody from 10.06.2026 and also ready to abide any other condition and hence, he seeks bail for the petitioner.

Per contra, the Learned Public Prosecutor represents that on 09.06.2026, the petitioner herein committed a theft of 4 units of sand in a BHARAT BENZ Tipper lorry bearing registration No.TN 31 CX 3144, the vehicle along with sands have been seized. He further represents that the investigation is not completed and hence, he opposed to release the petitioner on bail.

With regard to bail, this court relied upon a case law reported in AIR 1978 SC. 179 rendering by our Hon'ble Supreme Court of India in a case of "GURCHARAN SINGH Vs. STATE, wherein it has been held as follows:-

"We may repeat the two paramount considerations, viz. likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."

Rival submissions are taken into consideration. Records perused. The petitioner is alleged to have committed the offences as against the natural resource. Admittedly, the petitioner is in judicial custody from 10.06.2026 and the offending vehicle along with sand has been seized. By considering the above aspects, other facts and circumstances of the case, period of incarceration, 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 and in the absence of any serious objection on the side of the prosecution, this Court is inclined to grant bail to the petitioner with stringent conditions.

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

- 1) **The petitioner/accused is directed to deposit a sum of Rs.3,750/- (Three Thousand seven hundred and fifty only) infavour of "District Minerals Foundation Trust Rehabilitation and Environment Fund" in bank Account No.110240463715, Canara Bank (IFSC Code-CNRB0001216), Pudukkottai-622001, as non refundable deposit and to produce the original counterfoil before the Jurisdictional Magistrate.**
- 2) **On Production of original counterfoil for payment of such deposit** only, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousands only) with two sureties each 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 stay at Nagapattinam District and shall report and sign before the Station House Officer of Nagapattinam Town Police Station**, daily at 10.30 a.m., for a period of 30 days (including holidays) from the next day of his release, without fail and thereafter, as and when required for interrogation,

5) The petitioner shall not tamper with the prosecution witnesses and he shall be available for the trial as well. Further, he shall not misuse the liberty granted to him by indulging in any further offence and also not to leave the station either to abroad or other State without permission of this Court,

6) 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.

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

8) The Station House Officer of Nagapattinam Town Police Station 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 12th day of June 2026.

**Principal Sessions Judge,
Pudukkottai.**

Copy to:

The Judicial Magistrate, Keeranur.

The Inspector of Police, Keeranur P.S.,

The Inspector of Police, Nagappattinam Town P.S.,

The Superintendent, Central Prison, Trichy or the concerned Jail Authority where the petitioner is under Judicial custody now.

The Counsel for the petitioner.

The District Minerals Foundation Trust Rehabilitation and Environment Fund, Pudukkottai.