



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

PRESENT: **Tmt. K.Arivoli., M.A., M.L.,**

Principal Sessions Judge, Sivagangai.

Tuesday, the 10<sup>th</sup> day of March - 2026

**Cr.M.P.No.498/2026**

*(CNR No. TNSV01000852-2026)*

Sivasankar, (Age 31), S/o.Arumugam,  
No.422B/1, Samathuvapuram, Narthamalai, Kulathur Taluk, Pudukottai District.  
. . . Petitioner/Accused

**Vs.**

State Rep. by  
The Inspector of Police,  
Sakkottai Police station  
(Cr.No.50/2026)

. . . Respondent/Complainant

The petition coming on this day for final hearing before me in the presence of Thiru.I.Muniandi, Advocate for the Petitioner and of Thiru.A.Alagarsamy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

**ORDER:-**

1. The petitioner, who is in judicial custody for the offences charged u/s.303(2), 336(3) of B.N.S Act and 21(4) of Mines and Minerals (D&R) Act in Crime No.305/2025 of the respondent police since 06.03.2026 is seeking for his release on bail u/s.483 of B.N.S.S.

2. According to the petitioner, the petitioner is the 1<sup>st</sup> accused in the crime number and there are totally two accused in this case and as against him, allegations have been levelled by the *defacto* complainant alleging that the petitioner along with another accused have committed theft of 6 units of Gravel sand by using Bharat BENZ Tipper bearing registration no.TN 41 AV 8559 without any valid government permission. According to the petitioner, he is innocent and he has not committed any offence as alleged by the prosecution. The petitioner had given undertaking that he



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would never abscond nor tamper or hamper the witnesses and ready to abide by any condition imposed by the court and willing to produce sufficient solvent sureties to the satisfaction of the Judicial Magistrate. Hence, the Petitioner prays for considering his bail application.

3. The respondent filed his detailed objections in writing and the learned Public Prosecutor had submitted that investigation is still pending. In the event, if the petitioner is released on bail, he would abscond and may not appear before the Court by abiding the condition. He would indulge in similar offences and hence the Public Prosecutor strongly opposed the grant of bail application to the petitioner.

4. By considering the submissions of the parties and the fact that the petitioner is in custody from 06.03.2026 and the alleged sand as well vehicle have been seized by the respondent police and the petitioner is not involved in any previous case. The learned counsel for the petitioner has orally given undertaking that the petitioner is ready to abide any condition imposed by this Court including non-refundable deposit. Considering the fact that the petitioner is the first time offender and also the period of incarceration suffered by the petitioner, this Court is inclined to consider the bail application of the petitioner with the following stringent conditions.

In the result, ***the petition is allowed*** and the petitioner shall deposit of Rs.20,000/- as non-refundable deposit to the Account of President/Treasurer, Bar Association, Sivagangai, Account No.273101000010587, Indian Overseas Bank, Kanjirangal Branch, IFSC Code:IOBA0002731, ***for the purpose of housekeeping of the both Old and New Combined Court Buildings, Sivagangai, in order to provide amenities to the Combined Court Building in respect of housekeeping for the up keep of the building***

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*suitable for the effective utilization of the same for the Advocate, Staff members and litigant public. By providing necessary infrastructures in the toilet and also in the Court premises.* The said amount to be utilized solely for the purpose of the said purpose and the account statement with respect to the utilization of the said amount to be submitted by the President/Treasurer of the Bar Association to the Principal District Court.

The cost is imposed solely for the purpose of preventing the petitioners from indulging in further crime and not as a punishment, in order to safeguard the environment and to prevent habitual sand mining in the river, which is the irrigation source for the neighbouring village.

On such cost being paid, the petitioner is ordered to be released on bail on his executing bond for Rs.10,000/- with two sureties each of like sum to the satisfaction of the Judicial Magistrate, Karaikudi with a condition that the petitioner shall appear and sign before the Respondent Police Station daily morning at 10.00 a.m., and shall sign for 15 days and thereafter, shall appear on summons. ***The petitioner shall not repeat the offence in future.***

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate while considering the sureties, shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

The petitioner's photograph and Aadhaar Card or bank pass book copy shall also be obtained while considering the sureties.

The Petitioner shall make himself available for interrogation by the respondent police Officer as and when required for enquiry.

The Petitioner shall not directly or indirectly make any inducement, threat or



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promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the court or to any Police Officer. That the petitioner shall not leave the State of Tamil Nadu without prior permission of the learned Judicial Magistrate. The Petitioner shall not commit further offences of similar nature and shall appear before the respondent police station as and when required.

The Petitioner shall co-operate for early disposal of the matter.

On breach of the aforesaid conditions, the learned Judicial Magistrate, before whom the case is pending is at liberty to initiate / take appropriate action against the petitioner in accordance with law as laid down in the judgment of Hon'ble Supreme Court in P.K.Shaji Vs. State reported in AIR 2005 SCW 5506.

In the event, if the petitioner absconds, a fresh F.I.R shall be registered u/s.269 of B.N.S.

Given by me, this the 10<sup>th</sup> day of March - 2026.

Principal Sessions Judge,  
Sivagangai.

**Copy to :**

1. The Judicial Magistrate, Karaikudi.
2. The Public Prosecutor, Sivagangai.
3. The Inspector of Police, Sakkottai Police Station.
4. Counsel for the Petitioner.