

In the Court of the Vacation Sessions Judge, Tiruvarur.

**Present: Thiru. M.VADIVEL, B.Com.,B.L.,
Sessions Judge,**

Special Court for trial of cases under SC and ST (PoA) Act., Thiruvarur.

Vacation Sessions Judge, Thiruvarur.

Friday, this the 29th day of May 2026

CrI.M.P.No. 436/2026

Pugazhenth, aged 43/2026

S/o. Manickam

... Petitioner/ Accused.

Vs

State rep. through the Inspector of Police,

Kootheranallur Police Station,

Crime Number 121/2026.

... Respondent/Complainant.

This petition came up before this Court for hearing moved by Mr. S. Manikandan, Advocate for the petitioner/accused and Mr. D. Manivannan, Public Prosecutor for the State and upon perusing the petition and reply, this Court passes the following:-

ORDER

This petition has been filed by the petitioner under section 483 of Bharatiya Nagarik Suraksha Sanhita to grant bail with regard to the case in Crime Number 121/2026 of Kootheranallur Police Station for the offence punishable under sections 303(2) of BNS Act and 21(1) of Mines and Minerals (Development and Regulation) Act.

2. According to the petitioner, he is in judicial custody from 28.04.2026. He is an innocent person and has not committed any offence. The petitioner is from a respectable family. The case of the prosecution is that the petitioner without proper license or permission had involved in theft of 5 Bags of Sand which was carried in TVS XL Heavy Duty Two Wheeler bearing Registration Number TN 50 AA 7673. The petitioner is a sole bread-winner of their family. If the petitioner is not enlarged on bail their family will be put irreparable loss and injury. The above case is a false one and it is foisted, against the petitioner, in order to threaten them by illegal means and the investigation could have been completed at this stage. An earlier bail application in Criminal Miscellaneous Petition Number 415/2026 was dismissed by the Order of Judicial Magistrate No.II, Mannargudi dated 14.05.2026 and hence seeks to grant bail to the petitioner.

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3. Whereas the Public Prosecutor had submitted the reply of Respondent / Complainant in which it is stated that the case is under investigation and accused is secured and theft of 5 Bags of Sand through in TVS XL Heavy Duty Two Wheeler bearing Registration Number TN 50 AA 7673 vehicle without proper license or permission. If the accused let on bail, he will involve in similar offence and hence strongly objected to let the accused on bail.

4. Reply received and perused. Heard. The petitioner is custody from 12.05.2026 onwards. Considering period of incarceration, the nature and gravity of offence and also other circumstance of the case, this Court is inclined to grant bail to the petitioner.

5. In the result, this petition is allowed with the following conditions:

- (i) The petitioner shall make non-refundable deposit a sum of Rs.1,500/- to **The Assistant Director of Geology and Mining, District Mineral Foundation Trust, Thiruvarur** and proof of payment of the same shall be filed by the petitioner before the Learned Judicial Magistrate No.II, Mannargudi.
- (ii) The petitioner shall execute a bond for a sum of Rs.15,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.II, Mannargudi.
- (iii) The petitioner and the sureties each shall affix their photographs and Left Thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iv) The petitioner shall report before the Inspector of Police, Koothanallur Police Station daily at 10.30 a.m., for a period of one month from the date of release.
- (v) The petitioner shall not tamper with evidence of witnesses either during investigation or trial.

- (vi) The petitioner shall not abscond either during investigation or trial.
- (vii) 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 is released on bail by the learned Magistrate/Trial Court as laid down by the Hon'ble Supreme court in P.K. Shaji .Vs. State of Kerala ((2005) AIR SCW 5560)
- (viii) If the petitioner/accused thereafter abscond, a fresh FIR can be registered under section 269 BNS.

Pronounced by me, this the 29th day of May 2026.

**Vacation Sessions Judge,
Thiruvavarur.**

Copy to (Through E-mail):

The Judicial Magistrate No.II, Mannargudi.

The counsel for the Petitioner.

The Inspector of Police, Koothanallur Police Station.

The Assistant Director of Geology and Mining, District Mineral Foundation Trust, Thiruvavarur.