

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE  
AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 10<sup>th</sup> day of February, 2026

**C. M. P. No.1/2026 in Crime No.1098/2025 of Punnapra Police Station**

Petitioners/accused : Manikandan A, 28 years, S/o Appadurai,  
35 Old Bhuvanagiri Road, Chidambaram  
Village, Cudallore District  
Tamil Nadu  
Rep. by Adv. Devika S, Legal Aid Defence  
Counsel

Respondent : State represented by the Sub Inspector of  
Police, Punnapra police station

Rep. by A.P.P., Ambalapuzha

This petition having been heard on 07.02.2026 and the court on 10.02.2026 passed the following :

**ORDER**

1. This is an application filed under Section 480 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioners, who is the accused in Crime No.1098/2025 of Punnapra Police Station, accused of offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023.
2. The prosecution case is that, the accused on 08.12.2025 at around 8pm, committed theft of TVS Jupiter Motor Cycle bearing No. KL 04 AV 1263 from the Masjid

Noor Mosque Kalithattu. Thus, the accused is alleged to have committed the above said offence.

3. The petitioner was arrested and produced before the court on 10.12.2025.
4. The learned counsel for the petitioner submitted that the accused is innocent and was falsely implicated in the case. It was also argued that the petitioner is ready and willing to comply with any conditions as this court imposes if released on bail.
5. The learned A.P.P. filed report opposing bail application contending that if the accused is released on bail there is every possibility of him influencing witnesses and intimidating the defacto complainant. It was argued that there is a high probability of the petitioner absconding from Kerala especially when he is a native of Tamil Nadu. There already exist a case for causing hurt to his inmate in jail registered by the Alappuzha South Police and hence the release of the accused invites the chances of him endangering the life of the defacto complainant and commit similar offences. Hence, he prays for dismissing the petition.
6. Heard both sides. Perused the records.
7. From the records it is evident that the petitioner has been in judicial custody. An evaluation of the facts reveals that detention of the accused is not warranted. Recovery is also seen effected. The existence of prior cases by itself cannot be considered as the sole reason for the grant of bail. Also, no reason whatsoever has been stated by the prosecution to facilitate the incarceration of the petitioner in custody. It is a well accepted principle that bail is the rule and jail is the exception. However, the concern expressed by the learned APP about the petitioner engaging in similar offences if released on bail has to be addressed. Hence, the prosecution's concern about the petitioner committing any further offence can be addressed by imposing strict conditions.
8. Considering the facts and circumstances of this case, this court is of the view that the further detention of the petitioner is unwarranted. Curtailing a person's right

without any sufficient reason cannot be permitted.

9. In the result, the petition is allowed on following conditions :

- i. The petitioner/accused shall execute a bail bond for ₹25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum.
- ii. The petitioner shall appear before the Investigation Officer every Monday between 10:00 A.M. and 01:00 P.M. for one month from today and thereafter as and when required by investigating officer through a written notice until further orders of this court.
- iii. The petitioner shall not commit similar offences while on bail.
- iv. The petitioner shall not influence or intimidate any witness or tamper with evidence in any manner.
- v. The petitioner shall co-operate with the investigation.
- vi. The petitioner shall appear before the court or investigation officer as and when required.

(Pronounced by me in open court, on this, the 10<sup>th</sup> day of February, 2026.)

sd/-  
Judicial Magistrate of First Class  
Ambalapuzha