IN THE COURT OF THE JUDICIAL MAGISTRATE, THIRUVADANAI.

Present : Thiru. J.Antony Rishandev, B.B.A., L.L.B (Hons).
Judicial Magistrate,
Thiruvadanai.

Dated, Tuesday the 10th day of March 2026

Cr.M.P. No. 187/2026
in
Cr. No. 43/2026

A1) Ajithkumar (Age 24/2026),
S/o. Muthu,
Gandhiyar Street, Thondi,
Thiruvadanai Tk,
Ramanathapuram Dist.

A2) Subas Santharaboss (Age 21/2026),
S/o.Prabaharan,
Pameswaran Nagar,
Pattanam,
Rasipuram Tk,
Namakkal Dist ..... Petitioners/ A1, A2

/Vs/

State through Sub Inspector of Police,
Thondi Police Station,
Cr.No. 43/2026,
U/s. 132, 296(b), 351(3) BNS. ..... Respondent / Complainant

This petition came up for hearing before me on 10.03.2026 in the presence of Advocate for the Petitioners/A1, A2 Thiru.R.Balamurugan and Tmt.S.Judy Angelo APP Grade – I upon perusing the documents and hearing, both sides this Court makes the following,

O R D E R

1. **Filing of the Bail Petition**

   The petitioners/A1, A2 have filed this bail application under Section 480 of the BNSS, seeking bail in connection with Crime No.43/2026, where in they have been alleged to have committed offences under Sections 132, 296(b), 351(3) BNS. The Petitioners were arrested on 04.03.2026 and have been in judicial custody since then. Both the accused has been alleged to have verbally abused and to have assaulted the Sub Inspector of Police, Thondi P.S. Further they have been alleged to have prevented the complainant/S.I of Thondi P.S from discharging his public duty and the accused A1 has also been alleged to have threatened the complainant for life using a broken brandy bottle. During enquiry, the petitioners side contended that the both accused are innocent and was falsely implicated in this case.

2. **Prosecution's Objection**

   The prosecution has strongly opposed the bail application on the following grounds:

   i. The investigation is still pending.
   ii. On the other side prosecution side gave a reply stating that the trial of this case will be affected if the both accused are released in bail since there are chances of absconding.
   iii. There is a risk of the both accused committing similar offenses if released on bail.

3. I have heard the arguments of the learned counsel for the petitioners and the learned public prosecutor. I have also perused the case records and considered the submissions made by both sides.

4. **Relevant Legal Principles**

The Hon'ble Supreme Court and various High Courts have consistently held that while considering a bail application, the court must take into account several factors, including:

i. The nature and gravity of the offense.
ii. The likelihood of the accused absconding or tampering with evidence.
iii. The necessity for custodial interrogation.
iv. The risk of the accused committing further offenses while on bail.
v. The likelihood of securing the accused presence during the trial.

5. **Court's Observations**

In light of the above principles, the court notes the following:

(i) Both the accused has been alleged to have verbally abused and to have assaulted the Sub Inspector of Police, Thondi P.S. Further they have been alleged to have prevented the complainant/S.I of Thondi P.S from discharging his public duty and the accused A1 has also been alleged to have threatened the complainant for life using a broken brandy bottle. While the offenses are serious, it is not the one that necessitates the continued incarceration of the both accused.

(ii) There is no indication that the both accused poses a flight risk, as he is a permanent resident of Thiruvadanai Taluk reducing the chances of absconding.

(iii) There is no evidence to suggest that the both accused would tamper with evidence or influence witnesses, particularly since the investigation is substantially complete.

(iv) Accused has been in judicial custody for over 07 days.

6. Based on the above considerations, the court is satisfied that further incarceration of the all accused is not warranted, given that the substantial portion of the investigation would have been completed. The principles of criminal jurisprudence emphasizes that bail is the rule and jail is an exception. In the absence of any significant risk factors, the accused are entitled to bail.

7. **Bail Conditions**

However, to ensure the cooperation of the accused with the trial process and to prevent the commission of further offenses, this court finds it necessary to impose certain conditions. Accordingly, the bail petition is allowed, and the petitioners/A1, A2 are granted bail subject to the following conditions:

1. The petitioners/accused shall be released on bail upon executing a bond for a sum of Rs.10,000/- each, with two sureties for the like sum.
2. The sureties shall affix their photographs and Left Thumb Impressions on the surety bond and submit two photographs and a copy of their Aadhaar card or bank passbook to confirm their identity.
3. The petitioners/accused shall report and sign before this court every day morning at 10:30 AM and before the respondent Police Station everyday at 05.00 P.M. until further orders.
4. The petitioners/accused shall not commit any offense similar to the current charges, and any violation of the stipulated conditions will result in invoking Section 269 of the BNS Act.
5. The petitioners/accused shall cooperate with the investigation and trial and appear before the court whenever required.
6. The petitioners/accused shall not interfere with witnesses or tamper with any evidence in any manner.

7. The petitioners/accused shall not abscond during the pendency of the trial.

In the result, the bail petition is allowed.

Dictated by me to the Typist and he typed in the Computer and Corrected and Pronounced by me in the Open Court on 10th day of March 2026.

ANTONY RISHAN DEV

Digitally signed by ANTONY RISHAN DEV
Date: 2026.03.10 17:18:12 +0530

Judicial Magistrate,
Thiruvadanai.