



IN THE COURT OF THE JUDICIAL MAGISTRATE, THIRUVADANAI.

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

Dated, Monday the 16th day of March 2026

Cr.M.P. No. 232/2026

in

CC. No. 55/2026

Palani (Age 37/2026),
S/o. Shanmugam
Vilathumanakottai, Thondi
Thiruvadanai Tk,
Ramanathapuram Dist

..... Petitioner/ Accused

/Vs/

State through Sub Inspector of Police,
Thiruvadanai Police Station,
Cr.No.18/2026
U/s. 221,296(b),351(3) BNS
4(1)(j) TNP ACT

..... Respondent / Complainant

This petition came up for hearing before me on 16.03.2026 in the presence of Advocate for the Petitioner/Accused Thiru.B.Ramanathan and Thiru.Elango APP Grade – I upon perusing the documents and hearing, both sides this Court makes the following,

ORDER

1. Filing of the Bail Petition

The petitioner/accused have filed this bail application under Section 480 of BNSS, seeking bail in connection with Crime No.18/2026, wherein he has been charged under Sections U/s. 221,296(b),351(3) BNS, 4(1)(j) TNP ACT. The accused was arrested on 07.02.2026 and have been in judicial custody since then. The allegations against the accused is that he came to the court in a drunken state and behaved in an indecent manner, and has threatened the court staffs and court police upon questioning him using abusive language. During enquiry,



the petitioner side contended that the accused is an 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. More previous cases is pending against the accused in various police station.
- ii. On the other side prosecution side gave a reply stating that Investigation has been completed and the final report filed in this case has been taken on file of this court as C.C.No.55/2026 and the trial of this case will be affected if the accused is released in bail since there are chances of absconding.
- iii. There is a risk of the accused committing similar offenses if released on bail.

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

3. 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.

4. Court's Observations

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

- (i) There is no indication that the accused poses a flight risk, as he is a permanent resident of Thiruvadanai Taluk reducing the chances of absconding.
- (ii) The prosecution has argued that there are previous cases pending against the accused. However, in *Prabhakar Tewari v. State of U.P.*, (AIR ONLINE 2020



SC96), the Hon'ble Supreme Court Categorically observed that mere pendency of several Criminal cases cannot by themselves be a basis for refusal of prayer for bail.

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

(iv) The accused have been in judicial custody for over 38 days.

(v) Final Report has been filed in this case.

5. Based on the above considerations, this court is satisfied that further incarceration of the accused is not warranted, given that investigation has been completed and final report was filed. The principles of criminal jurisprudence emphasize that bail is rule and jail is an exception. In the absence of any significant risk factors, the accused is entitled to bail.

6. **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/accused is granted bail subject to the following conditions:

1. The petitioner/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 petitioner/accused shall report and sign at the concerned police station every day at 10:30 AM until further orders.
4. The petitioner/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 petitioner/accused shall cooperate with the investigation and trial and appear before the court whenever required.
6. The petitioner/accused shall not interfere with witnesses or tamper with any evidence in any manner.
7. The petitioner/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 16th day of March 2026.

Judicial Magistrate,
Thiruvadanai.