

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,  
SALEM

Present: Tmt.S.Sumathy, M.L.,  
Principal Sessions Judge,  
Salem.

Thursday, this the 12<sup>th</sup> day of March, 2026

CRIMINAL MISCELLANEOUS PETITION No.609/2026

(CNR.No.TNSA010012692026)

(PRC.No.77/2020 on the file of the Judicial Magistrate No.I, Salem)

Mustafa (27), S/o Noor Ahamed ... Petitioner/Accused No.1

Vs

State by: The Inspector of Police,  
Salem Town P.S.

Cr.No.1244/2019.

... Respondent / Complainant.

This petition is filed on 07.03.2026 u/s 483 of BNSS, to grant bail to the petitioner.

This petition is coming on this day for hearing before me, in the presence of Thiru.K.Ganesan, Counsel for the petitioner and the Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

ORDER

1) Heard both side and records perused. The petitioner is the accused in Cr.No.1244/2019 of Salem Town PS. The petitioner, who was remanded to judicial custody on 22.01.2026 for the alleged offences u/sec.294(b), 341, 392, 397 and 506(ii) of IPC, has come forward with this petition seeking to release him on bail.

2) The learned Counsel for the petitioner has submitted that the petitioner is facing the case in PRC.No.77/2020 on the file of the Judicial Magistrate No.I, Salem; when the case was posted on 10.07.2025, due to non appearance of the petitioner, NBW was issued against him and on

22.01.2026, he was remanded to judicial custody; as per the order in CMP.No.22/2025 on 15.05.2025 the petitioner was detained under Goondas Act by the Kitchipalayam police and he was in prison from 15.05.2025 to 17.09.2025 and he was released on 24.09.2025 from prison, in the said circumstances, the petitioner was not able to attend the Court on that day and the non appearance of the petitioner on that day is neither willful nor wanton and in support of the said contention, the copy of particulars given by the Superintendent of Central Prison, Salem has been produced for perusal of this Court. He further has submitted that for the past 50 days, the petitioner is in judicial custody and prayed to enlarge the petitioner on bail.

3) On the other hand, the learned Public Prosecutor has submitted that due to non appearance of the petitioner on 10.07.2025, NBW was issued against him and on 22.01.2026 the petitioner was remanded to judicial custody; due to non co-operation of the accused, the committal proceeding is pending from 2020; the sureties action against A-3 is also pending; the petitioner has already involved in yet another 12 cases, hence, he strongly opposed to release the petitioner on bail.

4) In the said circumstances, considering the submissions made by both side and the incarceration period of the petitioner, this Court is inclined to grant bail to the petitioner on the following conditions:

1. that the petitioner is ordered to be released on bail on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.I, Salem;
2. that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;

3. that the petitioner shall appear and sign before the learned Judicial Magistrate No.I, Salem daily at 10.00 a.m., except the holidays until further orders (for a minimum period of 30 days);
4. that the petitioner shall not tamper with evidence or witness during trial;
5. that the petitioner shall not abscond during trial;
6. that 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 released on bail by the learned Magistrate / trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji -vs- State of Kerala (2005) AIR SCW 5560);
7. If the accused thereafter absconds, a fresh FIR can be registered u/sec.269 of BNS.

In the result, this petition is allowed.

Pronounced by me in Open Court, this the 12<sup>th</sup> day of March, 2026.

Principal Sessions Judge,  
Salem.

Copy to the Judicial Magistrate No.I, Salem.

Copy to the Supdt. of Jail in which the accused is confined.

Copy to the Inspector of Police, Salem Town PS.