

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,
SALEM

Present: Thiru.N.Ramakrishnan, B.A., B.L.,
Principal Sessions Judge (i/c),
Additional District Judge &
Presiding Officer, Special Court under
EC & NDPS Act Cases, Salem.

Friday, this the 27th day of March, 2026

CRIMINAL MISCELLANEOUS PETITION No.796/2026
(CNR.No.TNSA010016382026)

1) Thalapathi (24), S/o Muniyappan

2) Chandru (24), S/o Sakthivel ... Petitioners/Accused No.1 & 2.

Vs

State by: The Inspector of Police,
Kitchipalayam P.S.
Cr.No.12/2026.

... Respondent / Complainant.

This petition is filed on 25.03.2026 u/s 483 of BNSS, to grant bail to the petitioners.

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

O R D E R

1) Heard both side and records perused. The petitioners are the accused in Cr.No.12/2026 of Kitchipalayam PS. The petitioners, who were remanded to judicial custody on 20.01.2026 for the alleged offences

u/sec.126(2), 296(b), 309(4), 311 and 351(3) of BNS, have come forward with this petition seeking to release them on bail.

2) The case of the prosecution is that on 20.01.2026 at about 06.30 a.m., when the defacto complainant was returning to home from Salem Town V.O.C. Market in two wheeler vehicle, near National School Junction, the petitioners waylaid the defacto complainant and abused him in filthy words and demanded money from him and when he refused to give money, the petitioners at knife point snatched a sum of Rs.3,500/- from him and also threatened him and the public with dire consequences. Hence this case.

3) The learned Counsel for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution side and this case is foisted against them and this is the third application for bail. He further has submitted that the detention order under Goondas Act against the petitioners was revoked by the Board as per the order in G.O.Rt.No.1930 & G.O.Rt.No.1929 dated:25.03.2026 and produced a copy of the order for perusal of this Court. He further has submitted that the investigation was completed and the final report was filed and for the past 67 days, the petitioners are in judicial custody and prayed to enlarge the petitioners on bail.

4) On the other hand, the learned Public Prosecutor has reiterated the

facts of the case and submitted that both the petitioners are history sheeter and the 1st petitioner has already involved in yet another 07 cases and the 2nd petitioner has already involved in yet another 04 cases, hence he strongly objected to release the petitioners on bail.

5) In the stated circumstances, considering the fact that the detention order under Goondas Act against the petitioners has been revoked by the Board as per the order in G.O.Rt.No.1930 & G.O.Rt.No.1929 dated:25.03.2026 and considering the incarceration period of the petitioners, this Court is inclined to grant bail to the petitioners on the following conditions:

1. that the petitioners are ordered to be released on bail on their executing a bond each 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.II, 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 petitioners shall appear and sign before the respondent/police daily at 10.00 a.m., until further orders (for a minimum period of 30 days) and on further condition that they shall make available themselves for interrogation as and when required by the investigation Officer;
4. that the petitioners shall not tamper with evidence or witness either during investigation or trial;
5. that the petitioners shall not abscond either during investigation or trial;

6. that on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 27th day of March, 2026.

Principal Sessions Judge (i/c),
Additional District Judge &
Presiding Officer, Special Court under
EC & NDPS Act Cases, Salem.

Copy to the Judicial Magistrate No.II, Salem.

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

Copy to the Inspector of Police, Kitchipalayam P.S.