



IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SIVAGANGAI.

PRESENT: **Tmt. K.Arivoli., M.A., M.L.,**

Principal Sessions Judge, Sivagangai.

Tuesday, the 17th day of March - 2026

Cr.M.P.No.505/2026 in (CNR No. TNSV01000862-2026)

Cr.M.P.No.540/2026 in (CNR No. TNSV01000925-2026)

Cr.M.P.No.505/2026

1. Bharathiraja, (Age 32) (A1) S/o.Subramanian,
Door No.41, Sivagangai Raja Saai, Ramnagar, Devakottai, Sivagangai District.
2. Govindarajan, (Age 36) (A2) S/o.Manickam,
Door No.386, Thenkadukai, Kattanur, Muthu, Sivagangai District.
... Petitioners/Accused

.Vs.

State Rep. by
The Inspector of Police,
Devakottai Taluk Police station
(Cr.No.59/2026)

... Respondent/Complainant

Cr.M.P.No.540/2026

Santhi Mercy Gracy, W/o.Arul Chezhiyan,
Thudupoor Kanmai, near Varathukkal Bridge,
Thudupoor, Devakottai Taluk, Sivagangai District.

... Petitioner/*Defacto* complainant

Vs.

Bharathiraja, S/o.Subramanian,
Ramnagar, 4th Street, Raja Road, Devakottai,
Devakottai Taluk, Sivagangai District.

... Respondent/Accused

State Rep. by
The Inspector of Police,
Devakottai Taluk Police station
(Cr.No.59/2026)

... Respondent/Complainant

The petitions coming on this day for final hearing before me in the presence of Thiru.KR.Bharathikannan, Advocate for the Petitioners and of Thiru.C.Ilangovan, Advocate for the Intervener and of Thiru.A.Alagarsamy, Public Prosecutor for the State, after hearing both sides and perusing the written reply submitted by the respondent and records, this court delivers the following :

**COMMON - ORDER:-**

1. The petitioners, who are in judicial custody for the offences charged u/s.126(2), 324(2), 140(3), 351(3) of B.N.S Act in Crime No.59/2026 of the respondent police since 08.03.2026 are seeking for their release on bail u/s.483 of B.N.S.S.

2. According to the petitioners, the petitioners are ranked as A1, A2 in the present case and there are totally three accused in the present case and as against them, allegations have been levelled by the *defacto* complainant alleging that the petitioners along with another accused have wrongfully restrained the car of the *defacto* complainant and caused damage to the glasses of the car and abducted the husband of the *defacto* complainant and also threatened her with dire consequences by using sword and sickle. According to the petitioners, they are innocent and they have not committed any offence as alleged by the prosecution. The petitioners have given undertaking that they would never abscond nor tamper or hamper the witnesses and ready to abide by any condition imposed by the Court and willing to produce sufficient solvent sureties to the satisfaction of the Judicial Magistrate. Hence, the Petitioners pray for considering his bail application.

3. Per contra, the learned counsel for the Intervener has strongly opposed the petition filed by the petitioners stating that the petitioners have threatened the *defacto* complainant by using sword and sickle in public place at Broad daylight and committed theft of his cell phone and the alleged phone has not yet been recovered and co-accused have not yet been arrested and there is a life threat to the *defacto* complainant and her husband from the accused persons. In the event, if the petitioners are enlarged on bail, they may abscond and also may tamper the material witnesses,



thereby hampering the course of entire investigation. Hence, prays for dismissal of the bail application of the petitioners.

4. The respondent filed his detailed objections in writing and the learned Public Prosecutor had submitted that the investigation is in premature stage. In the event, if the petitioners are released on bail, they would abscond and may not appear before the Court by abiding the condition. They would indulge in similar kind of offence in future and hence, the Public Prosecutor opposed the grant of bail application to the petitioners.

5. By considering the submissions of the parties and the fact that there is a previous enmity between the parties with regard to money dispute and the petitioners are in judicial custody from 08.03.2026 and no one has sustained injury in the incident and the petitioners are not involved in any previous case. Per contra, the learned counsel for the Intervener has opposed the petition stating that there is a life threat to the *defacto* complainant and her husband from the accused persons and in the event, if the petitioners are enlarged on bail, they may threaten her and her family members.

6. In view of the above circumstances, this Court finds that there is a money dispute between the parties and no one has sustained injury in the incident and the petitioners are not involved in any previous cases. Considering the above circumstances and also the period of incarceration suffered by the petitioners, this Court is inclined to consider the bail application of the petitioners with the following stringent conditions.

In the result, ***the petition is allowed*** and the petitioners are ordered to be released on bail on their executing bond for Rs.10,000/- each with two sureties each of like sum



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to the satisfaction of the Judicial Magistrate, Devakottai with a condition that the petitioners shall appear and sign before the Manamadurai Police Station daily morning at 10.00 a.m., and evening at 05.00 p.m., and shall sign for 30 days and thereafter, shall appear on summons.

The sureties shall affix their photographs and left thumb impression and the Judicial Magistrate while considering the sureties, shall obtain the copy of their Aadhar card or bank pass book to ensure their identity.

The petitioners' photograph and Aadhaar Card with bank pass book copy shall also be obtained while considering the sureties.

The Petitioners shall make themselves available for interrogation by the respondent police Officer as and when required for enquiry.

The Petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the court or to any Police Officer. That the petitioners shall not leave the State of Tamil Nadu without prior permission of the learned Judicial Magistrate. The Petitioners shall not commit further offences of similar nature and shall appear before the respondent police station as and when required.

The Petitioners shall co-operate for early disposal of the matter.

On breach of the aforesaid conditions, the learned Judicial Magistrate, before whom the case is pending is at liberty to initiate / take appropriate action against the petitioner in accordance with law as laid down in the judgment of Hon'ble Supreme Court in P.K.Shaji Vs. State reported in AIR 2005 SCW 5506.



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In the event, if the petitioners absconds, a fresh F.I.R shall be registered u/s.269 of B.N.S.

As far as the intervening petition is concerned, the petition is dismissed.

Given by me, this the 17th day of March – 2026.

Principal Sessions Judge,
Sivagangai.

Copy to :

1. The Judicial Magistrate, Devakottai.
2. The Public Prosecutor, Sivagangai.
3. The Inspector of Police, Devakottai Taluk Police Station.
4. Counsel for the Petitioners and Intervener.