

**IN THE COURT OF THE JUDICIAL MAGISTRATE, THENI.**

Present: Thiru. P.Aasay Marudhu, B.A., L.L.B.,

Judicial Magistrate [F.A.C], Theni

Friday, this the 27th day of March, 2026

Crl. M.P. No.881/2026

CNR No.TNTH020014392026

Gowtham (27/2026),

S/o. Angappan

... Petitioner/ Accused

-Vs-

State

Rep by Sub-Inspector of Police,

Veerapandi Police Station

(Crime No:116/2026)

...Respondent/ Complainant

The petition has been filed on behalf of Petitioner/Accused to release him on bail u/s 480 of BNSS. This application/petition coming before me for a final hearing on 27.03.2026. This court has taken up this petition for bail in pursuance of the bail petition filed by Mr.S.M.Sureshkumar, MSW.,B.L., Learned Counsel for the petitioner and the Learned Assistant Public Prosecutor, representing the state, upon perusing the petition and the relevant materials on record and upon hearing both sides arguments, this court passes the following...

ORDER

1. Heard both sides. Records perused. The petitioner is the accused in the Crime.No.116/2026 of Veerapandi Police Station for the alleged offence U/s.305(a) BNS Learned counsel for Petitioner has again filed this petition, seeking for grant of bail.

2.The defacto complainant is a daily wage labour. On 03.01.2026 the defacto complainant left her house and locked at 7.00 am after hiding the key in the veranda. When the defacto complainant returned at 4.00pm, she found the door still locked, but upon entering, she noticed the bureau had been opened and a gold pendant chain about 3 sovereigns worth Rs.90,000 was missing. Hence the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and had not committed any offence as alleged by the prosecution. The petitioner is a law-abiding citizen and he has given an undertaking that he would never abscond nor tamper or hamper the witnesses and is ready to abide by any condition imposed by the court. The petitioner is arrested on 05.08.2025. Hence, the petitioner prays for consideration of his bail application.

4. Per contra, the respondent filed his detailed objections in writing. In the event, that the petitioner is released on bail, since this case is in the initial stages of investigation, and because the accused may not cooperate with the investigation, could escape to another district, and might repeat the same actions, causing losses to the public, there is a possibility that they may engage in theft again. Hence, the Public Prosecutor strongly opposed the grant of bail application to the petitioner.

5. This court considered the rival submissions and perused the available records. The offence under section U/s. 305(a) BNS is Non-bailable in Nature. Considering the facts and circumstances of the case and number of days undergone by the accused in judicial custody. This court inclines to grant bail to the accused.

In this result, the petition is allowed on the following conditions

6. (i) Bond and Sureties:-

In the result, this petition is allowed and the petitioner/ accused is hereby ordered to be released on bail by execute the bond for the sum of Rs.10,000/-with two sureties each for like sum satisfaction.

(ii) Daily Appearance Requirement:-

The petitioner shall appear and report before the Respondent Police Station daily at 10.00 a.m. for a period of 30 days and thereafter, shall appear on summons.

**(iii) Identification Documentation:-**

The petitioner's and sureties photograph and Aadhaar Card or bank passbook copy shall also be obtained while considering the sureties.

(iv) Cooperation with Investigation:-

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

(v) Non-Interference:

The petitioner 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.

(vi) Compliance and Cooperation:-

The petitioner shall co-operate for investigation and trial.

(vii) Consequences of Breach:-

On breach of the aforesaid conditions, this is court shall 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**.

(viii) Absconding Consequences:-

In the event, if the petitioner absconds, a fresh F.I.R shall be registered u/s.269 BNS.

This order is dictated to Steno-typist, typed by her in Computer, corrected and pronounced by me in the open court on this the 27th day of March 2026.

Judicial Magistrate(FAC),
Theni.