

IN THE COURT OF JUDICIAL MAGISTRATE, KANGAYAM

PRESENT : Miss. D. Thenmozhi, B.A., B.L., L.L.M.,

Judicial Magistrate, Kangeyam

Dated : Monday, the 09th day of March 2026,

E.CrI.M.P.No: 105/2026

in

Crime No: 190 of 2023 Kangeyam P.S.,

A2. Ashok,

S/o. Dhandapani,

...Petitioner/Accused

/Vs/

State Rep. By

The Inspector of Police,

Kangeyam Police Station,

Cr.No. 190 of 2023,

CC No.143 of 2023,

U/s. 394 IPC

... Respondent/Complainant

This petition has come up on 09.03.2026 for final hearing before me in the presence of Adv.K. Boopathy B.Com.,BL., learned counsel appearing for the Petitioner and the Learned APP for the respondent and upon hearing both side and upon perusal of the records, this court delivers the following:

ORDER

The case of the prosecution : A complaint was lodged against the accused on 28.04.2023 for having theft to the defacto complainant. Hence, the complaint was lodged and an FIR was registered U/s. 394 IPC. The accused was arrested

and remanded on 06.11.2025 for U/s.394 IPC. Now the accused has filed bail application,

2. **Contention of the Petitioner:** The learned Counsel appearing for the petitioner/accused submits that, the accused was remanded to judicial custody on 06.11.2025 and continues to be in custody till date. The petitioner/accused had submitted a bail application on 26.02.2026. The petitioner/accused had previously filed two bail petition before this Hon'ble Court (Crlmp. No. 1264/2025) and (Crlmp. No. 44/2025) which was dismissed by an order dated 06.01.2026 and 17.02.2026. This is the Third bail petition. In this petition, the petitioner/accused states that he is an innocent person and has not committed any offence as alleged by the complainant. The petitioner/accused is only the earning person and on his family depending upon him. No more other sources of his family earnings, only he is an earned person. The petitioner/accused is not likely to abscond or interfere with the investigation. He is also ready to furnish substantial sureties, should he be granted bail. Therefore, it is prayed that the petitioner/accused be released on bail.

3. **Counter of the respondent:** In this petition, reply received from the prosecution and stated in the reply that, if the petitioner/accused is released on bail, he may commit a similar offence and also he may be abscond and threat to the witnesses and tamper the evidence. Further stating that, he will not cooperate the trial and in this case. Hence, objected to release the petitioner / accused on bail.

4. **Point for determination;** whether the petitioner / accused is entitled to be enlarged on bail?

Heard both sides. On perusal of records, it is found that the petitioner/accused was charged U/s. 394 IPC and he was arrested and remanded to Judicial custody on 06.11.2025 and he is in Judicial custody for the past 123 days. It is also noted that the accused has no criminal antecedents and has strong roots over the society and the likelihood of the accused not to cooperate for trial or investigation is not very apparent.

5. However, this court is aware of the fact that there is scope for the accused to tamper evidence and threaten the prosecution witnesses. Taking into account of the fact that the accused are in custody for the past 123 days. There is no peculiar circumstances or evidence that warrants the detention of the accused, considering the nature and gravity of the offences charged being bailable, the likelihood of the accused to cooperate for the investigation and trial, the evidence collected so far by the prosecution, and the lesser scope of custodial interrogation of the all accused, nature and gravity of offence alleged, scope for accused to tamper evidence, this court is of the view that his release would not have any adverse effect on the society. Hence, for reason stated above this is inclined to grant bail on the following conditions:-

1. The petitioner/accused shall execute a bond for a sum of Rs. 10,000/- along with two sufficient sureties, both of whom must strictly be blood relatives of the petitioner/accused.

2. The sureties shall affix their Photographs and Left Thumb pression in the surety bond and also produce two photograph and copy of their Adhar card or Bank pass book to ensure the identity;
3. The petitioner/accused shall not abscond or tamper the witnesses during the case investigation or trial and is also directed to cooperate for the case investigation;
4. The petitioner/accused shall sign before this Court daily morning at 10.00 A.M for Until further order.
5. The petitioner / accused shall not involve in similar offences and any violation of conditional under stipulated will result in invoking section 269 of BNS

In the result, the bail petition is allowed.

This order is pronounced in open Court on this 09th day of March 2026.

Judicial Magistrate,
Kangayam.