

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, VILLUPURAM

Present: Thiru. A.Manimozhi, B.A., LL.B.

Principal Sessions Judge, Villupuram

Tuesday, the 24<sup>th</sup> day of March 2026.

**CMP.No.1019/2026**

(Cr.No.65/2026, Villupuram Town P.S., Judicial Magistrate No.I, Villupuram)

Manikandan, S/o. Selvaraj

... Petitioner/Accused.

/VS/

State by Inspector of Police,  
Villupuram Town P.S.

... Respondent/Complainant.

Petition filed u/s.483 B.N.S.S. dated 09.03.2026 to release the accused on bail.

This petition is coming on this day before me for hearing in the presence of Thiru.I.Prakash, Advocate for the Petitioner and Thiru.T.S.Subramanian, Public Prosecutor for the state, and upon perusing both side contentions, this court delivered the following ...

**ORDER**

This petition has been filed by the petitioner u/s.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail for the offences alleged to have been committed by him under section 310(2) of BNS. @ Sections 238, 310(2), 310(4) and 61(2) of B.N.S.

The learned counsel for the petitioner stated that the petitioner has been in judicial custody for the past 17 days from 07.03.2026 onwards. The learned counsel further stated that the petitioner is an innocent and he has been falsely implicated in the present case solely on the basis of the alleged confession statement of a co-accused. It is settled law that a confession made by a co-accused before the police is not a substantive piece of evidence and cannot form the sole basis for implicating another accused. The Hon'ble Supreme Court in Kashmira Singh v. State of Madhya Pradesh, AIR 1952 SC 159, and Haricharan Kurmi v. State of Bihar, AIR 1964 SC 1184, has held that such confession cannot be relied upon without independent corroboration. In the present case, the petitioner has been implicated only on the allegation of criminal conspiracy u/s.61(2) of B.N.S., without any material evidence to establish any agreement or meeting of minds between the petitioner and the other accused, and without any overtact, recovery or other material connecting him with the alleged offence. Hence, the continued detention of the petitioner is wholly unwarranted.

The learned counsel further stated that the petitioner is a Police Officer, who in the normal course of his duty remains vigilant and interacts with local persons together information relating to criminal activities in the locality. On coming to know about the alleged robbery through reliable sources, the petitioner had in fact immediately informed the concerned police authorities and also advised the real offenders to surrender the gold jewelery and money to the police. However, instead of appreciating the petitioner's bona fide conduct, he has been wrongly implicated and falsely arrested in the present case without any credible material connecting him with the alleged offence.

The learned counsel further stated that the petitioner was in fact arrested on 06.03.2026 at 4.31 P.M. at Vault Fitness Studio, Mudaliyarpeta, Pudhucherry, where he was present at the relevant time. However, the said place of arrest has not been properly reflected in the Official records and the petitioner has been wrongly shown to have been arrested at different locations in the documents prepared by the respondent police.

The learned counsel further stated that there are serious contradictions with regard to the alleged place of arrest. In the arrest Intimation Form served on the petitioner's mother it is stated that the petitioner was arrested near Muthiyalpet Bus Stop, Pudhucherry, whereas in the Grounds of Arrest furnished to the petitioner it is stated that he was arrested near Ariyankuppam Bus Stop. Such material contradictions create serious doubt regarding the manner and circumstances of the arrest and clearly indicate non-compliance with the mandatory procedural safeguards laid down by the Hon'ble Supreme Court in D.K.Babu Vs.State of West Bengal. These inconsistencies further give rise to a reasonable apprehension that the petitioner has been subsequently and falsely implicated as an accused in the present case without any credible material connecting him with the alleged offence.

The learned counsel further stated that the petitioner was initially produced for remand before the Judicial Magistrate No.I, Villupuram at about 9.00 P.M. without furnishing a copy of the Grounds of Arrest to the petitioner as mandated under law. At the time of remand, the learned counsel for the petitioner raised a specific objection regarding the failure of the respondent police to furnish the Grounds of Arrest. Taking note of the said objection, the Hon'ble Judicial Magistrate No.I, directed the respondent police to properly intimate and furnish the Grounds of Arrest to the petitioner and to produce him again before the court. Thereafter, the petitioner was again produced before the Judicial Magistrate No.I at about 11 P.M. after which the remand was accepted, which fact has also been recorded by the Judicial Magistrate No.I.

The learned counsel further stated that the petitioner was initially produced before the Court without complying with the mandatory constitutional safeguards relating to arrest, thereby demonstrating a clear procedural irregularity in the arrest process. The Hon'ble Supreme Court in D.K. Babu v. State of West Bengal, (1997) 1 SCC 416 has laid down mandatory guidelines to be

followed during arrest, and further in *Pankaj Bansal v. Union of India* 2023 SCC Online SC 1244, the Supreme Court has been categorically held that furnishing the grounds of arrest to the accused is a mandatory requirement and a constitutional safeguard under Article 22(1) of the Constitution of India. Hence, the above circumstances clearly indicate that the arrest and initial production of the petitioner were not in strict compliance with the mandatory legal requirements.

The learned counsel further stated that no recovery of gold jewelery or cash has been made from the petitioner. The petitioner is not in possession of any incriminating material connecting him with the alleged offence, and therefore his continued detention is unnecessary and unwarranted, and the major portion of the investigation has already been carried out by the respondent police and therefore, no useful purpose will be served by keeping the petitioner in further custody. It is well settled that bail is the rule and jail is the exception. The Hon'ble Supreme Court in *Sanjay Chandra v. CBI* (2012) 1 SCC 40 held that deprivation of liberty must be considered a punishment unless it is required to ensure the presence of the accused during trial. The Hon'ble Supreme Court in *Satenderkumar Antil V.CBI*, (2022) 10 SCC 51 also reiterated that courts must lean towards granting bail unless custody is absolutely necessary. The petitioner being a Police Officer has deep roots in society and undertakes that he will co-operate with the investigation and appear before the trial court as and when required.

The learned counsel further stated that the petitioner's marriage has been fixed on 25.03.2026 and invitations have already been distributed among relatives and friends, and marriage hall, catering and other arrangements have been finalized and substantial expenses have already been incurred, and the continued detention of the petitioner would cause irreparable hardship to his family, and the petitioner was completely innocent of the allegations made against him and have been falsely implicated as accused in the aforementioned crime and he has no connection whatsoever with the alleged offence, and the entire allegation against the petitioner is absolutely false, and the real facts of the case are entirely different from the version put forth by the prosecution and the petitioner is ready to abide the condition to be imposed by this court and the petitioner has no other previous cases and raised from reputed family and he is a law abiding citizen and he would neither abscond nor tamper the witnesses and he is having permanent residence and prays to release him on bail.

The learned Public Prosecutor represented that incident said to have taken place on 03.03.2026 and FIR was registered on the same day. Totally there are 9 accused involved in this case and out of 9 accused, 8 accused were arrested and remanded to judicial custody, and this petitioner is A6, and one accused is still absconding. The complainant is one Rajamanikkam and he is doing gold jewelery business for the past 20 years. On the occurrence day, while the complainant was proceeding in his two wheeler, the petitioner along with other accused waylaid him, and at

knife point at day hours robbed 4 Kgs and 106 grams of gold and cash of Rs.5,50,000/- from him. The learned Public Prosecutor further stated that out of 9 accused, 8 accused including the petitioner are hailing from Pondicherry State, and one accused hails from Villupuram, and this petitioner (A6) and one of the accused namely Bhuvanesh (A7) are the mastermind of this entire operation, and on the basis of confession, the entire stolen gold have been stated to be recovered, and cash of Rs.5,50,000/- is yet to be recovered, and the petitioner was home guard police in the Pondicherry Union Territory and he was placed under suspension, after being arrested in this case, and if the petitioner is released on bail, he will tamper and hamper the investigation and investigation is in initial stage and strongly opposed to release the petitioner on bail.

Considered the submissions on both sides and perused the records. It is alleged that the petitioner along with other accused at knife point during day hours robbed 4 Kgs and 106 grams of gold and cash of Rs.5,50,000/- from the complainant. The occurrence happened on 03.03.2026 and FIR was registered on the same day. Totally there are 9 accused involved in this case and out of 9 accused, 8 accused were arrested and remanded to judicial custody, and this petitioner is A6, and one accused is still absconding. The petitioner was arrested and remanded to judicial custody on 07.03.2026 and he has been in judicial custody for the past 17 days. It is stated that out of 9 accused, 8 accused including the petitioner are hailing from Pondicherry State, and one accused hails from Villupuram, and this petitioner (A6) and one of the accused namely Bhuvanesh (A7) are the mastermind of this entire operation, and on the basis of confession, the entire stolen gold have been stated to be recovered, and cash of Rs.5,50,000/- is yet to be recovered, and the petitioner was home guard police in the Pondicherry Union Territory and he was placed under suspension, after being arrested in this case, and if the petitioner is released on bail, he will tamper and hamper the investigation and investigation is in initial stage. Considering the above said aspects and considering the nature of the offence committed by the petitioner is grave in nature and abscondance of one accused and the early stage of the investigation and also the strong objection raised by the learned Public Prosecutor, this court is not inclined to grant bail to the petitioner at this stage and accordingly this petition is dismissed.

**In the result, this petition is dismissed.**

Pronounced by me in open court this the 24<sup>th</sup> day of March 2026.

Principal Sessions Judge,  
Villupuram.

**To**

1. The Petitioner's Advocate.
2. The Public Prosecutor, Villupuram.