

**IN THE COURT OF DISTRICT MUNSIF -CUM -JUDICIAL MAGISTRATE,
THIRUVENNAINALLUR.**

Present: THIRU. R. SENTHILKUMAR, B.A., B.L.,
DISTRICT MUNSIF -CUM -JUDICIAL MAGISTRATE,
THIRUVENNAINALLUR.

Friday this is the 29th day of May 2026

C.M.P.No.292/2026
(CNR.No.TNVP34-000555-2026)

S. Sathibalan, S/o. Seenuvasan,

--- Petitioner/Accused.

//Vs//

The Station House Officer,
Arakandanallur Police Station,
Cr.No.188/2026.

--- Respondent/Complainant.

This petition has come up before this court today in the presence of Thiru. S. Venkatraman, B.Sc., B.L., learned counsel for the petitioner/Accused and Mr.I.Farook Shah, B.A.L.L.M., Assistant Public Prosecutor Grade-I for the State and upon hearing the arguments on the both sides and perusing the material records this court delivered the following.

ORDER

1. The petition has been filed by the petitioner U/S.480 BNSS Act for seeking bail. The petitioner was alleged to have been committed an offence under Section 305(b), 331(3) BNS.

2. The learned counsel for the petitioner submitted that the respondent police have registered a case against the petitioner in Cr.No.188/2026, U/Sec. 305(b), 331(3) BNS and remanded to the Judicial Custody on 21.05.2026. The accused is innocent of any such offences. The accused hails from respectable family and is abiding citizen. He will released on bail, he will not tamper the prosecution and will not abscond. Hence, prayed to allow this petition.

3. The prosecution side vehemently objection raised that the investigation is pending. If the accused released on bail, he will tamper the prosecution side witnesses and co-accused not arrested. Further Cr.No.136/2023, U/s.379 IPC of Central Railway P.S case pending as against the accused. Therefore, raised objection for this application.

The point for consideration is that whether the Accused is entitled to grant bail or not?

4. On considering both side and on perusal of records on based on the defacto complainant lodged a complaint and registered in case Cr.No:188/2026, U/Sec.305(b), 331(3) BNS and the respondent police was searched it and got secret information they caught the accused and he gave a

confession given by the adversary in this case and seized the one Indane cylinder. The prosecution side vehemently objection raised that the investigation is pending. If the accused released on bail, he will tamper the prosecution side witnesses and co-accused not arrested. Further Cr.No.136/2023, U/s.379 IPC of Central Railway P.S case pending as against the accused.

As per the decision cited in Deepak Yadav Vs State of U.P. & Anr. Criminal Appeal No. 861/2022(arising out of S.L.P (Crl.) No. 9655/2021-Dated 20.05.2022- Hon'ble Supreme Court held in para-21 that As reiterated by the two-Judge Bench of this Court in Prasanta Kumar Sarkar Vs. Ashish Chatterjee And Another, it is well-settled that the factors to be borne in mind while considering an application for bail are:(i)whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii)nature and gravity of the accusation; (iii)severity of the punishment in the event of conviction; (iv)danger of the accused absconding or fleeing, if released on bail; (v)character, behaviour, means, position and standing of the accused; (vi)likelihood of the offence being repeated;(vii)reasonable apprehension of the witnesses being influenced; and (viii)danger, of course, of justice being thwarted by grant of bail.”.

5. In this case, the respondent police registered the case in Cr.No:188/2026, U/Sec. 305(b), 331(3) BNS. Further, the prosecution side vehemently objection raised that the investigation is pending. If the accused released on bail, he will tamper the prosecution side witnesses and co-accused not arrested. Further Cr.No.136/2023, U/s.379 IPC of Central Railway P.S case pending as against the accused and offence is grave one. The police custody period also pending.

6. In such Circumstances and the above discussion and decision cited above, this Accused is not inclined to grant bail.

7. In the result, this Petition is dismissed. This point is answered accordingly.

Dictated by me to the Steno-typist and typed by her directly in the computer, corrected and pronounced by me in open court on the 29th day of May 2026.

District Munsif -Cum-Judicial Magistrate,
Thiruvannainallur.