



Crl.O.P.No.14242 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14242 of 2025

Raja Hussain

... Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
Crime No. 138 of 2020.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in Crime No.138 of 2020 pending on the file of the Respondent police.

For Petitioner : Mr.S,Anbalagan
for Mr.R.Sathish Kumar
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

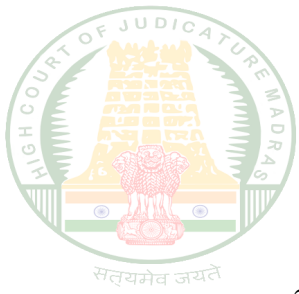
The petitioner, who was arrested and remanded to judicial custody on 11.03.2020, for the offence punishable under Sections 147, 148, 341, 294(b), 323, 427, 336, 363, 506(ii) of IPC and the same was altered into Sections 147, 148,



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341, 294(b), 323, 427, 336, 363, 332, 307, 506(ii) of IPC and Section 3 of TNPPDL Act in connection with Crime No.138 of 2020, registered on the file of the respondent, seeks bail.

2. The gist of the case is that, petitioner along with five others were arrested and produced before the II Metropolitan Magistrate, Coimbatore on 11.03.2020. The case against them is that, on 10.03.2020, the respondent police had received a complaint from on Syed Iqbal that, defacto complainant along with his friend Faizudeen were doing business and they had taken a loan of Rs.10 lakhs, eight months prior to the occurrence and they had also agreed that monthly a sum of Rs.50,000/- would be paid as interest and later, the defacto complainant had informed that, he find it difficult to pay the interest and he is taking steps to pay the principal amount. On 10.03.2020, when the defacto complainant was browsing his computer, his friend Faizudeen called him and informed that, petitioner had asked him to come to Hotel Buhari at Mount Road and therefore, at about 10.00.p.m., defacto complainant along with his friend gone to the hotel and at that time, petitioner along with henchmen had come and demanded money and also there arose a quarrel and exchange of blows and the complaint was lodged.

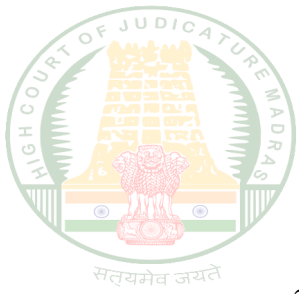


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3.1 The learned counsel appearing for the petitioner submitted that, defacto complainant with the help of the respondent police, projected a false case against the petitioner and it is an admitted fact that the petitioner had come from Madurai along with his son and friend to attend a case in Chennai and he had called the defacto complainant and his friend and asked him to repay the amount and the entire incident had happened in a public place and therefore, there is no possibility of petitioner attacking the defacto complainant in such a busy place, however, the case has been projected as though, petitioner had attacked the defacto complainant and his friend.

3.2 He further submitted that the defacto complainant along with the aid of the police had attacked the petitioner, his son and others, as it was recorded by the learned Magistrate in the remand report on 11.03.2020 that, "*A1 having bandaged right hand in sling & A2 having bandaged left leg in wheel chair. A3 stated he has some injury but not shown. A5 has linear abrasion injury on both arms, outward anklet & on right thigh*" and they were remanded. Thereafter, petitioner and others were granted bail by the trial Court on 18.03.2020 in Crl.M.P.No.6299 of 2020 for the reason that the case of the prosecution is highly artificial and the petitioner also sustained injuries which has not been explained.



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3.3 At the time of granting bail, one of the condition is that the petitioner should appear before the respondent police daily at 10.30.a.m., until further orders. Thereafter, since the petitioner was making complaint against the police and was apprehensive that he will further attacked by the police, he filed a modification petition before this Court in Crl.O.P.No.8949 of 2020, this Court on 19.06.2020, considering the fact that the petitioner being hospitalized for the injuries sustained by him and also due to the covid-19 pandemic situation, this Court had directed the petitioner to stay at Madurai and report before the Vilakkuthoon Police Station daily at 10.30.a.m., and thereafter filed modification petition in Crl.M.P.No.4573 of 2020, wherein this Court on 28.07.2020 had directed the petitioner to report before the Cantonment Police Station daily at 10.30.a.m., for period of one week and again, petitioner filed modification petition in Crl.M.P.No.473 of 2020, wherein this Court on 06.08.2020, directed the petitioner to report before the respondent police after the lockdown is lifted up for a period of one week, since there was a Covid-19 second wave. In the meanwhile, the respondent police filed cancellation of bail petition in Crl.O.P.No.6774 of 2020 alleging that the petitioner has several previous cases against him and this Court by an order dated 27.04.2021, had partly allowed the petition and canceled the bail for A1 alone, who is the petitioner herein and with



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regard to A2 to A5, it was dismissed.

3.4 He further submitted that, no notice was served on the petitioner, but on 16.03.2021, a fresh notice was ordered to the petitioner. He further submitted that, against the order passed in Crl.O.P.No.6774 of 2020 canceling the petitioner's bail, petitioner filed appeal before the Apex Court in S.L.P (Crl).No.3934 of 2021, wherein the Apex Court on 22.03.2023, had permitted the petitioner to make fresh application seeking for bail within a period of two weeks and in the meanwhile, order of this Court dated 01.06.2024 was stayed.

3.5 He further submitted that, remand report would clearly shows that, how the petitioner and others were brutally attacked by the respondent police and they had also sustained fracture injuries and they have been regularly taking treatment. He further submitted that, admittedly, defacto complainant had taken a loan of Rs.10 lakhs which was only demanded by the petitioner and further, the alleged occurrence taken place in a public place ie., Buhari Hotel and it is a known fact, it is a busy area and there is no possibility of such things taking place and the investigation is kept pending for obvious reason. He further submitted that the dispute between the petitioner and the defacto complainant has been



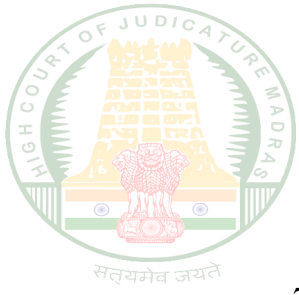
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resolved and the defacto complainant had sent back the amount of Rs.10 lakhs through bank and according to the petitioner, that amount has been used for his medical treatment. Hence, prayed for bail.

4. The learned Government Advocate (Crl. Side) had not seriously disputed the injuries sustained by the petitioner as it was recorded in the remand report and further submitted that the petitioner had taken the law in his hand and brought henchmen from Madurai to attack the defacto complainant and for all these reasons, respondent had filed cancellation of bail petition and the same was entertained and the bail was canceled and the Supreme Court has set aside the same and had directed this Court to consider the bail afresh. He further submitted that, due to the non-co-operation of the petitioner, investigation yet to completed.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner based on the bond executed by the petitioner earlier.



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7. Accordingly, this Criminal Original Petition is ordered. Further, the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for further interrogation.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

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1. The II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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