



Crl.O.P.No.15121 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15121 of 2025

Murshid

... Petitioner/A1

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
AWPS Kongu Nagar Police Station,
Tiruppur District.
(Cr.No.11 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.11 of 2025 pending on the file of the respondent.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 18.02.2025, for the offence punishable under Sections 70(1) (376(D) of
IPC), 351(2) (506(i) of IPC) of BNS Act in Crime No.11 of 2025, registered
on the file of the respondent, seeks bail.

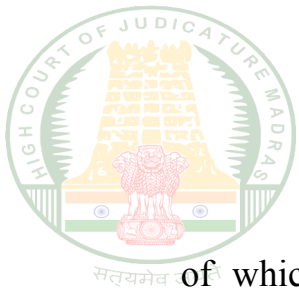


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2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner hails from the state of Bihar and the defacto complainant hails from the state of Orissa and they were employed in the Tirupur Baniyan Factory and they were residing in the same village and there was some dispute between them which has been projected against the petitioner although the petitioner and other accused committed rape on the victim girl. He further submitted that the petitioner's detention order was revoked by this Court in H.C.P.No.941 of 2025 on 02.07.2025. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. He submitted that the investigation in this case is completed and charge sheet has been filed in P.R.C.No.39 of 2025 and the case is posted for committal on 16.07.2024. He further submitted that the petitioner hails from other state, if he is let out on bail, he would abscond and the trial would get stalled and in this case, there are 19 witnesses and out



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of which 10 witnesses are official witnesses and the trial itself can be completed within a stipulated time.

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

5. 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 with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (out of which, one shall be a local surety)**, each for a like sum to the satisfaction of the learned **Principal Sessions Judge, Tiruppur** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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[b] the petitioner shall report before the trial Court on all hearing dates without fail;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

04.07.2025

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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

- 1.The Principal Sessions Judge, Tiruppur.
- 2.The Inspector of Police,
AWPS Kongu Nagar Police Station,
Tiruppur District.
- 3.The Central Prison, Coimbatore
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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