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CRL OP No. 18249 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18249 of 2025

Muhammed Shabeer @ Thabresh

Petitioner

Vs

State by The Inspector of Police,
Thally Police Station, Krishnagiri
District. Crime No.174 of 2017.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending Trial in C.C.No.75 of 2017 on the file of the District Munsif Cum Judicial magistrate, Denkanikottai.

For Petitioner:

Mr.P.M.Jayachandran

For Respondent:

Mr.A.Gokulakrishnan

Additional Public Prosecutor

**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 19.03.2025 pursuant to the non-bailable warrant issued in C.C.No.75 of 2017 on the file of the Judicial Magistrate, Denkanikottai, in connection with Crime No.174 of 2017, on the file of the respondent police, registered for the offence punishable under Section 392 of IPC, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner is facing trial in C.C.No.75 of 2017 for the offence punishable under Section 392 of IPC. On 06.11.2024, since the petitioner suddenly felt ill-health and he was unable to inform his counsel before the lower Court, Non Bailable Warrant was issued against the petitioner and thereafter the petitioner was produced under P.T warrant before the trial Court on 19.03.2025.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally three accused in this case and the petitioner is arrayed as A1. He submitted that A2 and A3 are regularly appearing before the



trial Court. On 06.11.2024, L.W.1 to L.W.8, all witnesses were present but the petitioner himself was absent and no petition was filed to condone his absence.

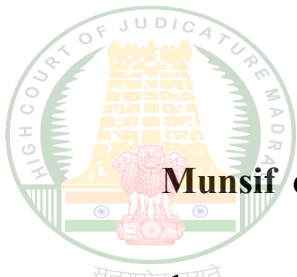
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Hence, the trial Court finding that the petitioner absented himself deliberately had issued NBW, with much difficulty NBW was executed and he was produced before the lower Court on 19.03.2025. The next hearing date is 25.06.2025. He submitted that other than this case, the petitioner has got no other case.

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

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.5,000/- (Rupees Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District**



Munsif cum Judicial Magistrate, Denkanikottai and on further conditions

that:

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[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;

[b] the petitioner shall appear before the trial Court on every Tuesday at 10.30 a.m., and also on all hearing dates until further orders;

[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



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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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25-06-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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 State by The Inspector of Police
Thally Police Station, Krishnagiri
District. Crime No.174 of 2017.
- 2.The District Munsif cum Judicial
Magistrate, Denkanikottai.
- 3.The Superintendent,
Sub-jail, Krishnagiri.

- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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