



Crl.O.P.No.18594 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18594 of 2025

Mohammed Ali

... Petitioner/A2

Vs.

The State rep by
The Inspector of Police,
Ambur Taluk Police Station,
Tirupathur District.
(Crime No.78 of 2025)

... Respondent

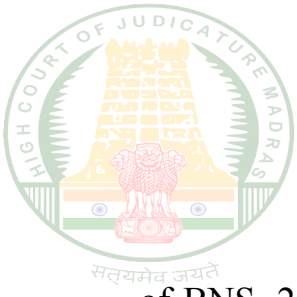
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in Crime No.78 of 2025 on the file of the Respondent police.

For Petitioner : Mr.M.Ganesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.04.2025, for the offences punishable under Sections 296(b), 109(1) and 351(3)



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of BNS, 2023 later altered to Sections 296(b), 109(1), 351(3) and 61(2) of BNS, 2023 in connection with Crime No.78 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the de-facto complainant is running a pawn shop. On 26.03.2025, at about 9.00 p.m. when the de-facto complainant along with one Suresh were returning to their house in a two wheeler, the petitioner and other accused came in a two wheeler, abused the de-facto complainant and assaulted him on his backside neck using knife and ran away, thereby the de-facto complainant sustained injury. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Based on the confession of co-accused, the petitioner has been falsely implicated in this case. He further submitted that the petitioner was detained under Tamil Nadu Act 14 of 1982 and the same was revoked on 13.06.2025. He further submitted that the co-accused were granted bail by the Sessions Court. Hence, he prayed to grant bail to the petitioner.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and confirmed the fact that the detention order against the petitioner was revoked and co-accused were granted bail by the Sessions Court.

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

6. Considering the submissions made on either side and the period of incarceration undergone by the petitioner and the fact that co-accused were already granted bail by the Sessions Court, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Ambur**, 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 respondent Police everyday at 10.30 a.m., 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 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.



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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 Judicial Magistrate,
Ambur.
- 2.The Inspector of Police,
Ambur Taluk Police Station,
Tirupathur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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