



CRL OP(MD). No.543 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Rafshan Sulthan @ Mohammed Rafshan Sulthan

2. Thanveer @ Mohammed Thanveer Nisath

... Petitioners/ Accused 1 & 2

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
Cr.No.4 of 2025.

... Respondent/Complainant

For Petitioner : Mr.D.Senthil, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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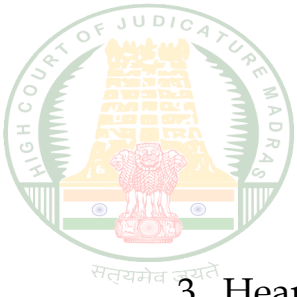
PRAYER :-
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For Anticipatory Bail in Cr.No.4 of 2025 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 296(b), 115(2), 118(1) and 351(2) BNS (hereinafter referred to as new penal code) in Crime No.4 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 are known to each other. The defacto complainant purchased a car in the name of his wife after getting loan in the name of his wife. This car was purchased only for the use of A1 with an understanding that A1 will repay back the loan. Since the EMI was not regularly paid by A1, the wife of the defacto complainant was questioned by the finance Company and was harassed. When this was questioned by the defacto complainant, the accused persons are said to have threatened with dire consequences and attacked with iron pipe and intimidated with dire consequences. There are totally three accused persons in this case and the petitioners have been arrayed as A1 and A2.



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3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and considering the manner, in which, this incident had taken place and taking note of the fact that the injured has been discharged from the hospital and there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is ordered and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Ilayangudi, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb

Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar



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card or Bank pass Book to ensure their identity.

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[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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) AIR SCW 5560]*; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
21/01/2025

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/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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- TO
- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ILAYANGUDI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.D.SENTHIL, Advocate (SR-564[I] dated 21/01/2025)

ORDER
IN
CRL OP(MD) No.543 of 2025
Date :21/01/2025

SS/SKN/SAR- /30/01/2025/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023