



CRL OP(MD). No.952 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M.Syed Abdul Kadhar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Melapalayam Police Station,
Melapalayam Village,
Palayamkottai Taluk,
Tirunelveli District.
(Crime No. 297/2024.)

... Respondent/ Complainant

For Petitioner : M/s. Kalantar Aasik Ahamedu.I, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.297 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.01.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 296(b), 115(2), 140(3), 140(2), 308(2) and 351(3) of BNS, 2023 in Crime No.297 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that there was a business motive between the petitioner and the defacto complainant. On instigation of the petitioner / A1, the other accused persons threatened the defacto complainant and taken away 162.5 gms of gold, lease deed and passport of the defacto complainant from his shop. Hence, the complaint.

4. Mr.I. Kalantar Aasik Ahamedu, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. Hence, he prayed for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that due to the business motive, the said occurrence happened and the petitioner herein is the main accused. Hence, he strongly opposed to grant pre-arrest bail to the petitioner.



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6. Heard on both sides. This Court has perused the records.

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7. According to the prosecution case, the petitioner herein is the root cause of the offence. However, at the material point in time, he was abroad. Considering the cumulative circumstances of the case, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.V, Thirunelveli, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.V, Thirunelveli.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) Thereafter, the petitioner shall appear before the respondent - police daily at 10.30 am until further orders;



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work place.

(iv) The petitioner should not enter into the defacto complainant's house or his

(v) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
06/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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To

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1.The Judicial Magistrate No.V,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Melapalayam Police Station,
Melapalayam Village,
Melapalayam Taluk,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.I.KALANTAR AASIK AHAMEDU, Advocate (SR-1538[I] dated
10/02/2025)

ORDER

IN

CRL OP(MD) No.952 of 2025

Date :06/02/2025

ED/ SKN /SAR- (19/02/2025) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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