



CRL OP(MD). No.2132 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2132 of 2025

Niyas Ahamed

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Cr.No. 310/2013

... Respondent/Complainant

For Petitioner : Dr.R.Alagumani, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in PRC No.18/2023 on the file of the learned Judicial Magistrate, Pattukottai in Crime No.310 of 2013 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 30.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.2 was arrested on the basis of Non-Bailable Warrant issued against him and remanded to judicial custody on 18.01.2025. The petitioner is facing trial in PRC.No.18 of 2023 on the file of the learned Judicial



CRL OP(MD). No.2132 of 2025

WEB COPY

Magistrate, Pattukkottai, for the offences punishable under Sections 342, 302, 506(ii) r/w. 34 of IPC in connection with Crime No.310 of 2023 on the file of the respondent-Police.

3. The case of the prosecution is that on 02.11.2013, at about 6:45 p.m., the petitioner, along with the other accused persons, stabbed the defacto complainant's son with a knife, and he died on the same day. Hence, the complaint.

4. DR.R.Alagumani, learned counsel appearing for the petitioner, submits that the petitioner is a driver and due to his avocation, he could not appear before the trial Court on 13.01.2024. Hence, the Non-Bailable Warrant was issued on the same day and the same was executed on 18.01.2025. He further submits that the petitioner has been in judicial custody since 18.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the occurrence took place in the year 2013, and there are three accused persons in this case and the petitioner herein has been arrayed as Accused No.2. He further submits that the Accuse No.1 has passed away, and the case has been split up against the petitioner herein. Already, in the year 2017, NBW was granted against the petitioner and same was executed.



CRL OP(MD). No.2132 of 2025

WEB COPY

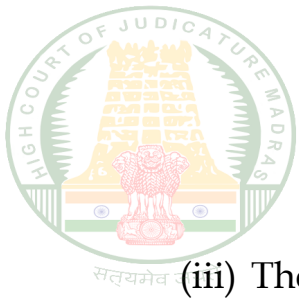
Later, the petitioner was enlarged on bail. If the petitioner is released on bail, he may abscond, thereby causing a delay in the committal proceedings. Hence, he vehemently opposed to grant bail to the petitioner.

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

7. The petitioner was arrested on 18.01.2025 and he has been in incarceration since 18.01.2025. Considering the fact that NBW was issued in the year 2024 and the same was executed on 18.01.2025 and considering the fact that the avocation of the petitioner i.e., Driver and with a view to give one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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, Pattukottai;

(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, Pattukottai, shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP(MD). No.2132 of 2025

WEB COPY

(iii) The petitioner shall furnish his residential address and mobile number to the said Magistrate;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Pattukkottai, on all working days at 10.30 a.m., until further orders;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not try to contact the defacto complainant or their relatives either directly or through any electronic modes and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Pattukkottai, 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/-
10/02/2025

/ TRUE COPY /

10/02/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.2132 of 2025

TO मेव जयते

WEB COPY

1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-1552[I] dated 10/02/2025)

ORDER

IN

CRL OP(MD) No.2132 of 2025

Date :10/02/2025

RS/IT/SAR-(10.02.2025) 5P 7C

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