



CRL OP(MD). No.2337 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
CRL OP(MD). No.2337 of 2025

1. Rahuman
2. Sheif Hussain

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep. By Inspector of Police,
Navalpattu Police Station,
Trichy District.
(Crime No.05/2016.)

... Respondent/Complainant

For Petitioners : Mr.M.Maran, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the Petitioners on Bail in CC No.104/2016 on the file of the Judicial Magistrate No.III, Trichy in Crime No.05/2016 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 04.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioners / Accused Nos.1 & 2 were arrested on the basis of Non Bailable Warrant issued against them and remanded to judicial custody on 24.12.2024. The petitioners are facing trial in C.C.No.104/2016 on the file of the Judicial Magistrate No.III, Trichy for the alleged offence punishable under Section 379 of the Indian Penal Code, 1860, (Act 45 of 1860) in connection with Crime No.05/2016 on the file of the Respondent Police

3.The case of the prosecution is that on 31.12.2015, the de facto complainant, who was a third-year student, had parked his father's two-wheeler in the parking area. At that point of time, the accused persons robbed the vehicle. Hence, the complaint.

4. Mr.M.Maran, learned counsel appearing for the petitioners, submitted that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been in judicial custody since 24.12.2024 and that they are ready to abide by any conditions to be imposed by this Court and prays for granting bail to the petitioners.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, would submit that the the petitioners did not appear before the trial Court and hence non bailable warrant was issued against the petitioners on 17.11.2023 and the same was executed on



24.12.2024. Hence, he vehemently opposed the grant of bail to the petitioners.

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

7. The petitioners were arrested and remanded to judicial custody on 24.12.2024. A perusal of the records reveals the fact that the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. With a view to give one more opportunity to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each 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.III, Trichy;

(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 No.III, Trichy, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number;

(iv) The petitioners shall appear and sign before the learned Judicial



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Magistrate No.III, Trichy on every Monday and Friday at 10.30 a.m., until further orders and the petitioner shall appear before the said Court on all days when the learned Judicial Magistrate requires his appearance, without fail;

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Trichy 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.

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To

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1.The Judicial Magistrate No.III,
Trichy.

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

3.The Inspector of Police,
Navalpattu Police Station,
Trichy District.

4.The Superintendent,
Central Prison, Trichy.

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

ORDER
IN

CRL OP(MD) No.2337 of 2025
Date :06/02/2025

ED/ /SAR- (06/02/2025) 5P / 6C

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