



CRL OP(MD). No.2351 of 2025

WEB COPY 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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Thalipraja,  
S/o.Sahul Hameed,  
East Muslim Street,  
Natham Taluk,  
Dindigul District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,  
through The Inspector of Police,  
Ambathurai Police Station,  
Dindigul District.  
Crime No.64/2020.

... Respondent/ Complainant

For Petitioner : Mr.M.Suresh,  
Advocate.

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



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

To enlarge the petitioner on bail in connection with S.C.No.154/2024 pending on the file of the learned Fast Track Mahila Judge, Dindigul.

ORDER : The Court made the following order :-

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

2. The petitioner/ Accused No.2 was arrested based on the Non Bailable Warrant issued against him and remanded to judicial custody on 29.11.2024. The petitioner is facing trial in S.C.No.154 of 2024 on the file of the learned Fast Track Mahila Judge, Dindigul for the alleged offence punishable under Section 397 of the IPC, in connection with Crime No.64 of 2020 on the file of the respondent Police.

3. The case of the prosecution is that on 22.02.2020, at about 09:45 p.m., when the de facto complainant and his wife were riding a two-wheeler, the petitioner, along with the other accused persons, snatched the gold chain worth about Rs.1,50,000/- from the wife of the de facto complainant. Due to the pulling of the



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chain, the de facto complainant's wife fell from the two-wheeler and sustained severe injuries. Thereafter, the accused persons fled from the scene of the occurrence. Hence the complaint.

4. Mr.M.Suresh learned counsel appearing for the petitioner, would submit that due to non appearance of the petitioner on 16.10.2024, Non Bailable Warrant was issued against the petitioner and thereafter, the petitioner was formally arrested in this case on 29.11.2024. Without his appearance, the case was simply made over to the learned Fast Track Mahila Judge, Dindigul. 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, would submit that there are seven previous cases pending against the petitioner. He would contend that, if the petitioner is released on bail, he may cause threat to the defacto complainant and his wife. Hence, he prayed for dismissal of this petition.

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



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7. In this case, initially, the petitioner was arrested on 13.06.2020 and enlarged on bail on 21.08.2020. During the committal proceedings, the petitioner was produced before the learned Judicial Magistrate No.III, Dindigul, through Video Conferencing mode. Thereafter, the learned Judicial Magistrate committed the case to the Principal District and Sessions Court, Dindigul, On 16.10.2024, without the presence of the petitioner, the case has been transferred to the Fast Track Mahila Court, Dindigul. The learned Mahila Judge received the case file and issued non bailable warrant on 14.11.2024 and the same was executed on 29.11.2024. The petitioner has been in judicial custody since 29.11.2024.

8. Considering the facts and circumstances of the case and considering the fact that without the presence of the petitioner, the Principal District and Sessions Judge transferred the case to the Fast Track Mahila Court and taking note of the fact that the procedure adopted by the learned Principal District and Sessions Judge is not in consonance with law and is without adhering the principles of natural justice and taking note of the fact that the petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding, 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:



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(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 Fast Track Mahila Judge, Dindigul;

(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 Fast Track Mahila Judge, Dindigul, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) **The petitioner shall appear and sign before the learned Fast Track Mahila Judge, Dindigul weekly twice i.e., on Monday and Friday at 10.30 a.m., until further orders. However, the petitioner shall appear before the learned Fast Track Mahila Judge, Dindigul on all hearing dates without fail;**

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



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(vi) On breach of any of the aforementioned conditions, the learned Fast Track Mahila Judge, Dindigul 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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06/02/2025  
Sub-Assistant Registrar (C.S. I / II / III / IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TSG

TO

- 1 THE FAST TRACK MAHILA JUDGE  
DINDIGUL
- 2 THE INSPECTOR OF POLICE,  
AMBATHURAI POLICE STATION,  
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.



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

ORDER  
IN  
CRL OP(MD) No.2351 of 2025  
Date :06/02/2025

SS/SKN/SAR- /06/02/2025/ 7P/5C

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