



CRL OP(MD). No.2710 of 2025

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

Date : 13.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Rahuman
2.Sherif Hussain

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Navalpattu Police Station,
Trichy District.
(Crime No.4 of 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 C.C.No.103 of 2016 on the file of the Judicial Magistrate No.III, Trichy in Crime No.4 of 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 10.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to



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grant bail.

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2. The petitioners/ A1 & A2 were arrested and remanded to judicial custody on 24.12.2024, based on the Non-Bailable Warrant issued by the learned Judicial Magistrate No.III, Trichy on 17.11.2023, for the alleged offence punishable under Section 379 of Indian Penal Code, 1860 in Crime No.4 of 2016 on the file of the respondent-police.

3. The case of the prosecution is that on 31.12.2015, the defacto 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 case.

4. Mr.M.Maran, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 24.12.2024. He therefore prays to grant bail to the petitioners.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners did not appear before the Trial Court and hence, Non-Bailable Warrant was issued against them on 17.11.2023 and the same was executed on 24.12.2024 and the petitioners were absconding for more than a year. The first petitioner has seven previous cases, which are similar in nature. Accordingly, he prays to dismiss this Criminal Original



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Petition:

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

7. The petitioners were arrested on 24.12.2024 and are still in judicial custody.

Considering the fact that the petitioners have been arrested only based on the Non-Bailable Warrant issued by the Trial Court against them for their non-appearance before the Trial Court and also considering the period of incarceration and with a view to give one more opportunity to the petitioners to co-operate with the trial, 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



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to the learned Judicial Magistrate, No.III, Trichy;

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(iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.III, Trichy weekly twice, i.e., on every Monday and Friday at 10.30 a.m., until further orders and the petitioners shall appear before the said Court on all days when the learned Judicial Magistrate requires their 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 petitioners 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/-
13/02/2025

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13/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI



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- To
- 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.2710 of 2025
Date :13/02/2025

ED/ /SAR- (13/02/2025) 5P / 6C

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