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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

CRL OP(MD). No.2688 of 2025

Satham Hussain

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Mattuthavani Police Station,
Madurai District.
Crime No.3 of 2025

... Respondent/ Complainant

For Petitioner : Mr.A.Mohamed Ashfalk, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.3 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner / accused no.1 was arrested and remanded to judicial custody on 02.01.2025 for the alleged offences punishable under Sections 305(b), 309(4), 311 read with Section 112 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 25(1-b) of Arms Act in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.12.2024, at about 11.00 a.m., the defacto complainant boarded Tirunelveli Bus from Mattuthavani Bus Stand and had kept her bag in the place for luggage. While so, after some time, she found that her bag was missing. Her bag contained 1/2 sovereign of gold stud, Aadhaar Card, ATM Card and cash of Rs.5,00/- . Hence the case.



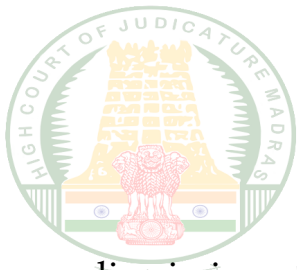
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4. Mr.A.Mohamed Ashfalk, the learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged by the prosecution. The petitioner has been in judicial custody from 02.01.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally seven accused persons in this case. The petitioner is A1. A1 to A3 admitted to the present crime as well as some other crimes. The respondent-Police recovered 2 gold bars weighing 12 grams each and some other properties from them. The petitioner has 15 previous cases, out of which, 10 cases were disposed and remaining 5 cases are still pending. A4 to A7 are still absconding. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has 15 previous cases, out of which, 10 cases were disposed and the remaining 5 are still pending. The learned Principal Sessions Judge, Madurai,



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dismissing the earlier bail application of this petitioner, has observed that investigation has not been completed. In view of the nature of the offences allegedly committed by the petitioner and the antecedents of the petitioner, this Court is of the view that, at this stage of investigation, if bail is granted to the petitioner, he will cause threat to the eye witness and other witnesses. Moreover, co-accused persons i.e., A4 to A7 are still absconding. In view of the above, this Court is not inclined to grant bail to the petitioner, at this stage of investigation.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
13/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.



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

+1 CC to M/s.A.MOHAMED ASHFALK, Advocate (SR-1657[I] dated 14/02/2025)

ORDER IN
CRL OP(MD) No.2688 of 2025
Date :13/02/2025

ES/SKN/SAR /04.03.2025/5P/5C

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