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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.2958 of 2025

Syed Ali

... Petitioner/ Accused
Rank Not Known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pazhavoor Police Station,
Tirunelveli District.
Crime No.151 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.Jai Surya Prakash, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.151 of 2024 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 14.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/accused was arrested and remanded to judicial custody on 25.01.2025 for the alleged offence punishable under Section 420 of Indian Penal Code, 1860, in Crime No.151 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, on 20.04.2024, the defacto complainant purchased a Toyota Glanza Car bearing Registration No.TN-72-DZ-3234 for Rs.1,50,000/- from Cholamandalam Finance Company. Thereafter, A1 requested the defacto complainant to rent out his car for use by L&T Company and offered to pay a sum of Rs.1,000/- per day (Rs.30,000/- per month). A1 visited the house of the defacto complainant and took possession of the car. However, the defacto complainant did not receive any payment from A1, and the car was not returned to him. When questioned, A1 stated that the defacto complainant's car was in the custody of his friend, A2. Hence the case.



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4. Mr.S.Jai Surya Prakash, 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 alleged in the prosecution. He further submits that the petitioner has been in judicial custody since 25.01.2025. He therefore prays to grant bail to the petitioner.

5. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are eight accused persons in this case, and the petitioner has been arrayed as A6. He further submits that there were eight cars belonging to individuals like the petitioner in the custody of the accused persons, out of which six cars have been recovered. He further submits that one of the accused persons, namely, Selvan (A8), is still absconding, and the remaining two cars are in his custody. He therefore prays to dismiss this Criminal Original Petition.

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



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7. The petitioner has been in judicial custody since 25.01.2025. It is stated that out of the eight cars in the custody of the accused persons, six cars have been recovered, and the remaining two cars are in the custody of Selvan (A8). In view of the above facts and circumstances, this Court is of the view that further custody of the petitioner is not necessary in this case. Considering the same and also the period of incarceration, this Court is inclined to grant bail to the petitioner, 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, Valliyoor, Tirunelveli District;

(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, Valliyoor, Tirunelveli District shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses;

(viii) The petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m., until further orders; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Valliyoor, Tirunelveli District 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/-
20/02/2025

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20/02/2025
Sub-Assistant Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE,
PAZHAVOR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2958 of 2025
Date :20/02/2025

ES/SKN/SAR /20.02.2025/7P/6C

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