



CRL OP(MD). No.3306 of 2025

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

Date : 22.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3306 of 2025

Zahir Hussain

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
Crime No.33 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.Yasar Arafath

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.33 of 2025 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 19.02.2025



CRL OP(MD). No.3306 of 2025

under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
WEB COPY
grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Section 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023, and Sections 3, 12(1)(a) and 12(1)(b) of the Passport Act, 1967 in Crime No.33 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, who is a brother of the defacto complainant, had obtained a passport in the name of the defacto complainant and utilized the same for his own use. Hence, the case.

4. Mr.K.Yasar Arafath, learned counsel appearing for the petitioner submits that the petitioner has appeared before the respondent-Police and co-operated with the investigation. He further submits that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against him. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that the petitioner appeared before the respondent-Police and co-operated with the



investigation. He further submits that the custodial interrogation of the petitioner is not necessary for the investigation agency in this case.

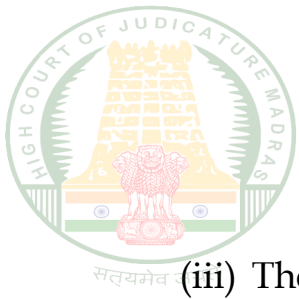
WEB COPY

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

7. The petitioner is aged 63 years. Considering the age of the petitioner and in view of the submissions made by the learned Additional Public Prosecutor and considering the fact that the petitioner has permanent residence and deep roots in the Society, hence, there is less possibility of absconding. Therefore, with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Ilayankudi, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of 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, Ilayankudi;

(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 shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP(MD). No.3306 of 2025

WEB COPY

(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) 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 him from disclosing such facts to the Court or to any police officer;

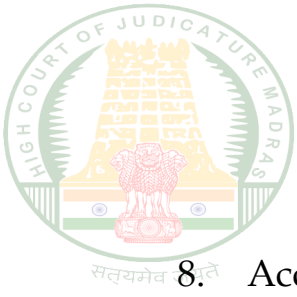
(v) The petitioner shall not leave India without the previous permission of the Court;

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

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Ilayankudi;

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

(ix) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



CRL OP(MD). No.3306 of 2025

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
22/04/2025

/ TRUE COPY /

/05/2025

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

MBI

TO

- 1.THE JUDICIAL MAGISTRATE, ILAYANKUDI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE, ILAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.YASAR ARAFATH, Advocate (SR-4583[I] dated 23/04/2025)

ORDER IN
CRL OP(MD) No.3306 of 2025
Date :22/04/2025

PR/26.05 .2025 5P/6C

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