



CRL OP(MD). No.3566 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3566 of 2025

1. Mohamed Irfan @ Vellai,

2. Mohamed Sugil,

... Petitioners/ Accused Nos.2 & 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
K.Pudhur Police Station,
Madurai City.

Crime No. 50/2018.

... Respondent/Complainant

For Petitioners : Mr.S.S.Sundarapandian,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

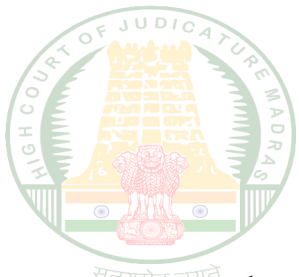
PRAYER :-

To enlarge the petitioners on bail in S.C No. 03 of 2025 on the file of the Vth Additional District Judge, Madurai in Crime No. 50/2018 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 21.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

<https://www.mhc.tn.gov.in/judis>



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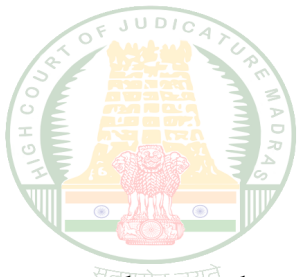
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2. The petitioners / Accused No.2 and 3 were arrested on the basis of Non Bailable Warrant issued against them and remanded to judicial custody on 18.12.2024. The petitioners are facing trial in S.C No.03 of 2025 on the file of the learned V Additional District Judge, Madurai for the offences punishable under Sections 392, 397 and 506(ii) of IPC in connection with Crime No.50 of 2018 on the file of the respondent-Police.

3. The case of the prosecution is that the defacto complainant is running a Two-wheeler Finance Shop near K.Pudhur. On 31.01.2018, at about 10.30 a.m., Accused No.1 approached the defacto complainant with an intention to purchase a two-wheeler and enquired about the vehicle bearing Registration No. TN-59-BH-7385. Subsequently, the Accused No.1 requested a test drive. The defacto complainant, then, sent one of his employees, Siraj, along with Accused No.1. While riding the two-wheeler on Alagar Kovil Main Road, Accused No.1 suddenly stopped the vehicle. At that moment, the petitioners, along with Accused No.1, attacked the said employee and fled the scene with the bike. Hence, the complaint.

4. Mr.S.S.Sundarapandian, learned counsel appearing for the petitioners, submits that since the petitioner did not appear before the Trial Court, non bailable warrant was issued against the petitioners on 13.05.2019 and the same was executed on 18.12.2024. The petitioners were arrested on the very same day. He further

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submits that the first petitioner took treatment in the Government Hospital, Kilpauk.

Due to same, he could not appear before the trial Court on 13.05.2019. To that effect, he has also produced a discharge summary. He further submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners have been in judicial custody since 18.12.2024. He therefore prays to grant bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that if the petitioners are released on bail, he may cause a threat to the defacto complainant, will commit the similar offence again, abscond and thereby, delay the trial proceedings. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. The petitioners have not appeared before the trial Court and therefore, a non bailable warrant was issued against them on 13.05.2019. The discharge summary produced by the learned counsel appearing for the petitioners shows that the first petitioner was admitted in the hospital as an in-patient on 10.07.2021 and discharged on 19.07.2021. However, this Court is not satisfied with the reasons given by the petitioners regarding the first petitioner's hospitalization.

8. Considering the above, and considering the fact that if bail is granted to the



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petitioners, the petitioners will abscond and thereby, Cause delay the trial proceedings, and taking note of the fact that the case is pending from the year 2018 without any progress, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
07.03.2025

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

TSG

TO

- 1.The Inspector of Police,
K.Pudhur Police Station,
Madurai City.
- 2.The Officer in Charge,
Sub Jail,
Melur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER

IN

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Date : 07/03/2025

SL(25.03.2025)/ 5P/ 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.