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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.4617 of 2025

Navaskhan,
S/o Mohammed Haniba,
D.No. 197-A-1, Melavalipanpothai,
Senkottai Road, Tenkasi Kaspas, Tenkasi District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
Crime No.59/2025.

... Respondent/Complainant

For Petitioner : Mr.M.Perumal,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.59 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

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The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 10.02.2025 for the offences punishable under section 302(2) of BNS in Crime No.59 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.02.2025, the petitioner, along with other accused persons, had stolen three sandalwood trees worth about Rs.6,000/- from the garden where the defacto complainant works as a watchman. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. He would further submit that if the petitioner is released on bail, he will not abscond. He would further submit that the petitioner is in judicial custody from 10.02.2025 and he is also ready to abide by any condition imposed by this Court. Hence, the petitioner may be released on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is the prime accused in this case. He would further submit that the petitioner had stolen three sandal woods worth about Rs.6,000/- from the garden of one Kanthasami and the stolen properties have been recovered by the respondent Police. He would further submit there are fourteen previous cases pending against the petitioner, which are not similar in nature. He would further submit that the



investigation has been completed and charge sheet has been filed before the
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concerned Court. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made on either side, considering the nature of offences charged against the petitioner, considering the fact that already the property was recovered and though the petitioner has fourteen previous cases pending against him, bail has already been granted in all those cases, and all the cases are not similar in nature and also taking into consideration the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram and on further conditions that:

[b] the petitioner shall report before the learned Judicial Magistrate, Ambasamudram, on all working days at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during



investigation or trial.

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[f] On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
12/03/2025

/ TRUE COPY /

12/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, AMBASAMUDRAM.

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



4 THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.PERUMAL, Advocate (SR-2691[I] dated 12/03/2025)

ORDER
IN

CRL OP(MD) No.4617 of 2025

Date :12/03/2025

NBF/SAR/ (12/03/2025) 5P/7C

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