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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4744 of 2025

Ramar

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Jaihindpuram Police Station,
Madurai District.
Crime No.143 of 2025

... Respondent/ Complainant

For Petitioner : Mr.M.Arunkumar,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.143 of 2025 on the file of the respondent-police.

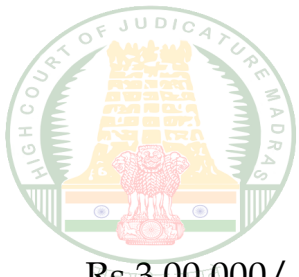


ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 11.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 30.01.2025 for the alleged offences punishable under Sections 318(4), 336(2), 336(3), 340(2), 341(2), 341(3) and 61(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.143 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and A2 and A3, who are doing real estate business, are known persons. A2 and A3 approached the defacto complainant in order to sell a property, which is owned, by one Mohammed Hussain, who is said to have been died, by his wife, namely, Syed Ali Fathima/A1. The A1 told the defacto complainant that the original document of the said property was mortgaged for a sum of Rs.3,00,000/- and if the defacto complainant gave a sum of Rs.3,00,000/- as advance, she would redeem the same and the sale consideration was fixed as Rs.40,00,000/-. On 03.10.2022, the defacto complainant paid a sum of



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Rs.3,00,000/- and entered into an agreement. Again, on 29.12.2022, a sum of Rs.11,00,000/- was paid by the defacto complainant to A1 and entered into another agreement. However, A1 refused to register the sale deed in favour of the defacto complainant. When the defacto complainant went to the house of A1 to enquire about the registration of the sale deed, he came to know that the husband of A1 is alive and he is working in abroad. Thereafter, when the defacto complainant contacted A1 over phone, she abused him and also refused to return the money and also to register the sale deed. The original documents are in custody of the defacto complainant. Hence the case.

4. Mr.M.Arunkumar, the learned counsel appearing for the petitioner submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 30.01.2025, and that he is ready to abide by any stringent conditions that may be imposed by this Court. 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 the petitioner



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introduced A1 to the defacto complainant and the petitioner colluded with other accused persons forged the death certificate, legal heir certificate of the said Mohammed Hussain. He further submits that if this Court grants bail to the petitioner, he will commit similar type of offence and that further custody of the petitioner is necessary. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 30.01.2025 and has been in judicial custody. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same, and also considering the overt act of the petitioner and the period of incarceration, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.IV, Madurai;



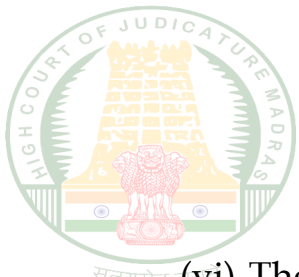
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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.IV, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall deposit a sum of Rs.50,000/- to the credit of the Crime No.143 of 2025 before the learned Judicial Magistrate No.IV, Madurai. In turn, the learned Judicial Magistrate No.IV Madurai, shall deposit the same in an interest-bearing Fixed Deposit in any nationalized bank initially for a period of one year and renew the same till the disposal of the case;

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

(v) 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;



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(vi) 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 or tamper with the evidence;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.IV, Madurai;

(viii) The petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.30 a.m., until further orders;

(ix) The petitioner shall not enter into the defacto complainant's house or workplace, and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.IV, Madurai 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].



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8. Learned Judicial Magistrate/Trial Court shall pass a final order qua the entitlement of the deposit amount in its final order/judgment.

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

Sd/-
18/03/2025

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19/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd/jen

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI DISTRICT.



4 THE OFFICER INCHARGE,
SUBJAIL, MELUR

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

ORDER
IN
CRL OP(MD) No.4744 of 2025
Date :18/03/2025

ES/19.03.2025/8P/6C

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