



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4868 of 2025

Satham Hussain

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Mattuthavani Police Station,
Madurai District.
(Crime No.3 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.A.Mohamed Ashfalk
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

For Bail in Crime No.3 of 2024 on the file of the respondent - police.

ORDER :- The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 13.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on 02.01.2025 for the offences punishable under Sections 305(b), 309(4), 311 and 112 of BNS, 2023 and Section 25(1-b) of the Arms Act, 1959, in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.12.2025, at about 11:00 a.m., when the defacto complainant was travelling from Trichy to Thirunelveli, she boarded a Nagercoil Bus at the Mattuthavani Bus Stand. After boarding the bus, she hung her purse on the handbar, which contained ½ pound Earring, Aadhar Card, Indian Bank ATM card, and a sum of Rs.500/-. After a while, she noticed that her purse was missing. Hence, the complaint.

4. Mr.A.Mohamed Ashfalk, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner is suffering from liver



issues and asthma. He therefore prays to grant bail to the petitioner.

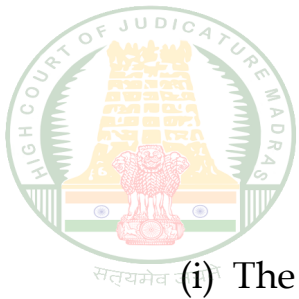
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are 15 previous cases pending against the petitioners, of which 10 have been disposed of and 5 were registered in the year 2017. He further submits that this is the second bail petition, and the earlier petition filed by the petitioner was dismissed by this Court vide order dated 13.02.2025 passed in CrI.O.P(MD) No.2688 of 2025. There has been no change in circumstances since the dismissal of the earlier petition. He therefore submits that at this stage, if the petitioner is enlarged on bail, he may abscond, cause threat to the defacto complainant, and delay the investigation. 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 and remanded to judicial custody on 02.01.2025, and he is still in judicial custody, i.e., for more than 65 days. Considering the same, and also considering the nature of the allegations made against the petitioner, the period of incarceration, and the fact that the petitioner is suffering from ailments, and with a view to give one more 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:



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(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 No.VI, Madurai;

(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.VI, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.VI, Madurai, on all working days, at 10:30 a.m., until further orders;

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

(vi) 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;

(vii) 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;

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(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses, and shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.VI, 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].

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

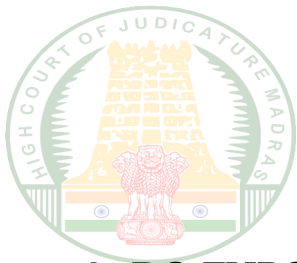
sd/-
17/03/2025

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18/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.



2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIUGL.

4 THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.4868 of 2025

Date :17/03/2025

NBF/SAR/ (18/03/2025) 6P/6C

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