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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5746 of 2025

Mohammed Yusuf

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Crime No. 45/2023

... Respondent/Complainant

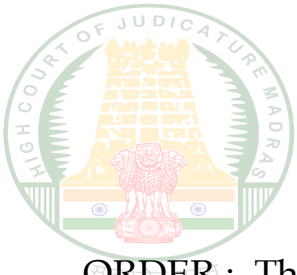
For Petitioner : Mr.C.Senthil Murugan
Advocate

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

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

PRAYER :-

To enlarge the petitioner on bail in PRC No.62 of 2023 on the file of the learned
Judicial Magistrate, Paramakudi in connection with Crime No.45 of 2023 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 25.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested on the basis of Non-Bailable Warrant issued against him and remanded to judicial custody on 18.03.2025. The petitioner is facing trial in P.R.C.No.62 of 2023 on the file of the learned Judicial Magistrate, Paramakudi for the alleged offences punishable under Sections 394 r/w. 34 of IPC and Section 27(1) of Arms Act, 1959, in Crime No.45 of 2023 on the file of the respondent-police. Since the petitioner has not appeared before the Trial Court on 27.01.2025, Non-Bail Warrant was issued against him and the same was executed on 18.03.2025.

3. The case of the prosecution is that on 09.03.2023, at about 10.00 p.m., the petitioner herein and other accused persons threatened the defacto complainant, who is working in a TASMACH shop, by showing a sword and also snatched a sum of Rs.20,700/- from him. Hence the case.

4. Mr.C.Senthil Murugan, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He



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further submits that due to the non-appearance of the petitioner before the Trial Court on 27.01.2025, a Non-Bailable Warrant was issued against him, and the same was executed on 18.03.2025, since which time he has been in judicial custody. He further submits that the petitioner had been regularly appearing before the Trial Court prior to 27.01.2025 and, due to his illness, he could not appear on that day. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. side) appearing for the respondent-police, submits that there are two previous cases pending against the petitioner, which are similar in nature. He further submits that due to the non-appearance of the petitioner, the trial has been delayed, and therefore, if the petitioner is enlarged on bail, he may abscond, thereby causing further delay in the trial proceedings. 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 18.03.2025, and he has been in judicial custody since then. It is stated that due to the illness of the petitioner, he could not appear before the Trial Court on 27.01.2025, and except for that day, the petitioner had been regularly appearing before the Trial Court. In view



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of the same, this Court is of the opinion that one more opportunity may be granted to the petitioner to appear before the Trial Court and cooperate with the trial proceedings, and since he has a permanent residence, there is less possibility of absconding. Considering the same and also considering the period of incarceration, 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, Paramakudi;

(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, Paramakudi 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, Paramakudi;

(iv) The petitioner appear and sign before the learned Judicial Magistrate, Paramakudi, 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;

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(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;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Paramakudi 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. The submission of the learned counsel for the petitioner is that the petitioner, only along with his parents, is residing at Parthibanoor and the surety of the petitioner's parents may be accepted. Considering the circumstances, this Court directs the learned Judicial Magistrate, Paramakudi to accept the surety of the petitioner's parents.



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

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sd/-
27/03/2025

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28/03/2025

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

TRP
TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5746 of 2025
Date :27/03/2025

NBF/SAR/ (28/03/2025) 6P/6C

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