



CRL OP (MD)No.6105 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD)No.6105 of 2025

Mohammed Faizal
@ Syed Faisel Ali

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No.46 of 2025.

... Respondent/Complainant

For Petitioner : Mr.S.Ashok,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.46 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

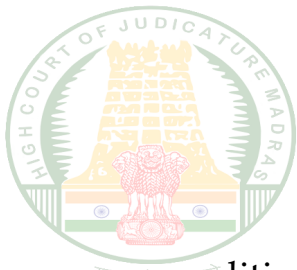
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This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 13.03.2025 for the offences punishable under Sections 296(b), 131, 351(3) of Bharatiya Nyaya Sanhita, 2023 r/w Section 27(1)(a) of Arms Act, 1959, in Crime No.46 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. Initially, the defacto complainant filed a complaint against the petitioner, which was registered as Crime No.43 of 2025. The petitioner was arrested and later released on bail on 12.03.2025. That being so, on 13.03.2025, the petitioner is alleged to have come in front of the defacto complainant's house and threatened him with a sickle. Hence, the complaint.

4. Mr.S.Ashok, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that the defacto complainant has foisted a false complaint against him out of vengeance. He further submits that the petitioner did not commit any offense as alleged by the prosecution. Additionally, he submits that the petitioner has been in judicial custody since 13.03.2025 and is ready to abide by



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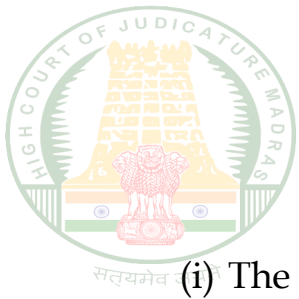
any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner herein.

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is the sole accused in this case and has one previous case. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant. Hence, 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 13.03.2025. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, the nature of offence allegedly committed by the petitioner, the fact that the petitioner and the defacto complainant are neighbours, and taking note of the fact that the sickle has been recovered from the petitioner herein, 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.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, Kadaladi;

(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, Kadaladi, 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, Kadaladi;

(iv) The petitioner shall stay at Ramanathapuram after execution of suretyship and appear and sign before the Ramanathapuram Town Police Station, Ramanathapuram, daily at 06.00 p.m., until further orders;

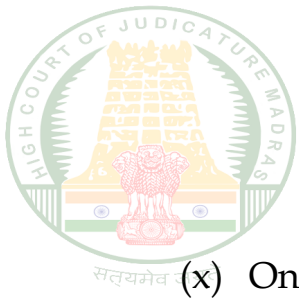
(v) The petitioner should not enter into the village namely, Mariyur, until further orders;

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

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) 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;

(ix) The petitioner shall not make any threat to the defacto complainant and the witnesses; and



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(x) On breach of any of the aforementioned conditions, learned Judicial Magistrate, Kadaladi, 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/-
03/04/2025

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03/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

To

1.The Judicial Magistrate,
Kadaladi.

2.The officer-in-charge,
District Jail, Ramanathapuram District.

3.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

4.The Inspector of Police,
Ramanathapuram Town Police Station, Ramanathapuram



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.ASHOK, Advocate (SR-3812[I] dated 03/04/2025)

ORDER
IN

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Date :03/04/2025

MK/SAR /03.04.2025 6P/7C

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