



CRL.OP(MD).No.7273 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.7273 of 2025

Sahapudeen

... Petitioner / Accused No.9

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.352 of 2021)

... Respondent / Complainant

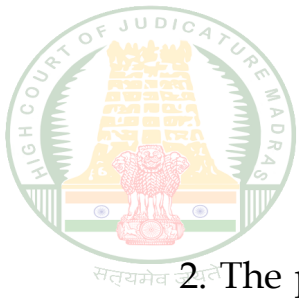
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.352 of 2021 on the file of the respondent-police.

For Petitioner : Mr.K.Yasar Arafath,
Advocate.

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.04.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 147, 294(b), 427, 448 and 506(1) @ 147, 294(b), 427, 448, 506(1), 468, 457 and 380 of Indian Penal Code, 1860, in Crime No.352 of 2021 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, along with several nearby individuals, had business transactions with a person from Madurai, who later absconded. In connection with this incident, on 04.08.2021 at about 11:30 a.m., all the accused persons trespassed into the house of the defacto complainant and assaulted her and her family members with weapons, while also issuing criminal threats. Hence, the complaint.

4. Mr.K.Yasar Arafath, the learned counsel for the petitioner, submits that the petitioner is 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 came to know about the registration of the FIR only upon receipt of the summons issued by the respondent-police. He further submits that the petitioner received summons from the Judicial Magistrate Court, Ilayangudi. Considering that the offences alleged are non-bailable in nature, the petitioner apprehends that he may be remanded by the learned Judicial Magistrate upon appearance. He however submits that the petitioner is ready to



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abide any conditions imposed by this Court and accordingly, he prays for the grant
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of pre-arrest bail.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 14 accused persons in this case and the petitioner has been arrayed as A9. He further submits that there are no previous cases against the petitioner. He therefore contends that if pre-arrest bail is granted to the petitioner, he may abscond and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence allegedly committed by the petitioner and with a view to give one more opportunity to the petitioner, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Ilayangudi,



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within a period of 15 days from the date on which the order copy is made ready, on
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executing a bond for a sum of 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, Ilayangudi.

(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 shall obtain a copy of any one of
identity proofs to ensure their identity.

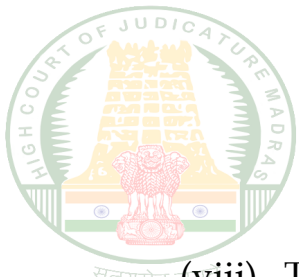
(iii) The petitioner shall appear and sign before the learned Judicial
Magistrate, Ilayangudi daily at 10.00 a.m. on all working days until further orders.

(iv) The petitioner shall make himself available for interrogation by a police
officer as and when required.

(v) 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.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the
defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of
the Court.



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(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, 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/-
22/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Judicial Magistrate, Ilayangudi.
- 2.Do through the Chief Judicial Magistrate, Sivagangai.
- 3.The Inspector of Police,Elayangudi Police Station,Sivagangai District.
- 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court,Madurai.



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ORDER IN
CRL OP(MD) No.7273 of 2025
Date :22/04/2025

PP/27.05.2025 6P/5C

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