



CRL OP(MD). No.7601 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7601 of 2025

1. Mohamed Irfan @ Vellai

2. Mohamed Sugil

... Petitioners/ A2 & A3

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
K.Pudhur Police Station,
Madurai City.
(Crime No.50 of 2018)

... Respondent/Complainant

For Petitioners: Mr.S.S.Sundarapandian
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioners on bail in the case in S.C.No.3 of 2025 on the file of V Additional District Judge, Madurai in connection with Crime No.50 of 2018 on the file of the Respondent-Police.



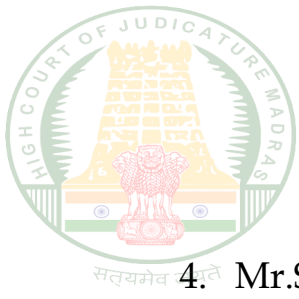
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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 23.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners / Accused Nos.2 and 3 were arrested on the basis of Non-Bailable Warrant issued against them and remanded to judicial custody on 18.12.2024. The petitioners are facing trial in S.C.No.3 of 2025 on the file of the learned V Additional District Judge, Madurai for the offences punishable under Sections 392, 397 and 506(ii) of Indian Penal Code, 1860 in connection with Crime No.50 of 2018 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is running a two-wheeler finance shop near K.Pudhur. On 31.01.2018, at about 10:30 a.m., Accused No.1 approached the defacto complainant under the pretext of purchasing a two-wheeler and enquired about the vehicle bearing Registration No.TN-59-BH-7385. Subsequently, Accused No.1 requested a test drive. The defacto complainant then sent one of his employees, Siraj, along with Accused No.1. While riding the two-wheeler on Alagar Kovil Main Road, Accused No.1 suddenly stopped the vehicle. At that moment, the petitioners, along with Accused No.1, attacked the said employee and fled the scene with the bike. Hence, the complaint.



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4. Mr.S.S.Sundarapandian, learned counsel appearing for the petitioners, submits that since the petitioners did not appear before the Trial Court, Non-Bailable Warrant was issued against the petitioners on 13.05.2019 and the same was executed on 18.12.2024 by arresting the petitioners. He further submits that the first petitioner took treatment in the Government Hospital, Kilpauk. Due to same, he could not appear before the Trial Court on 13.05.2019. He further submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners have been in judicial custody since 18.12.2024 i.e., for more than 125 days. He therefore prays to grant bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the case has been pending due to non-appearance of the petitioner, and though Non-Bailable Warrant was issued on 13.05.2019, the respondent-police could arrest the petitioners only on 18.12.2024. He further submits that if the petitioners are released on bail, they may abscond and thereby delay the trial proceedings. Hence, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

7. The petitioners were arrested on 18.12.2024 on the basis of Non-Bailable Warrant issued against them on 13.05.2019, as they did not appear before the Trial

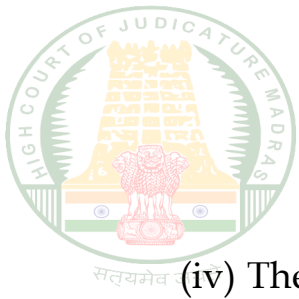


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Court. In view of the offences allegedly committed by the petitioners and the fact that they have been in judicial custody for more than 125 days, this Court is of the opinion that one more opportunity may be granted to the petitioners to appear before the Trial Court and co-operate with the trial. Further, the petitioners have permanent residence, and therefore, there is less possibility of absconding. Considering the above cumulative circumstances and in the interest of justice, and with a view to ensuring a fair trial, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

- (i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each 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.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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.VI, Madurai;



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(iv) The petitioners shall appear and sign before the learned Judicial Magistrate No.VI, Madurai, daily at 10.30 a.m., until further orders. The petitioners shall also appear before the Trial Court on all hearing dates when the Court requires his appearance;

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

(vi) The petitioners shall not commit an offence similar to the offence of they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.VI, Madurai, is entitled to pass appropriate orders against the petitioners 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. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

VSG

To

- 1.The Judicial Magistrate No.VI,
Madurai.
2. The Chief Judicial Magistrate,
Madurai.
- 3.The Officer-In-Charge,
Sub Jail, Melur.
- 4.The Inspector of Police,
K.Pudhur Police Station,
Madurai City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

<https://www.mhc.tri.gov.in/judis>



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+1. CC to M/S.S.S.SUNDARAPANDIAN Advocate SR.No.4754(I) DT.25.04.2025

ORDER
IN

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Date :25/04/2025

PP/SAR. /24.04.2025/7P/7C

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