



CRL OP (MD) No.7676 of 2025

WEB COPY 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.7676 of 2025

Mohamed Ali Usman

... Petitioner/ A4

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.585/2022)

... Respondent/Complainant

For Petitioner : Mr.M.Seeni Sulthan,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- To enlarge the petitioner/ A4 on bail in the case in P.R.C.No.22 of 2023 pending on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District, in Crime No.585 of 2022, on the file of the respondent-police.

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CRL OP (MD) No.7676 of 2025

ORDER: The Court made the following order :-

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

2. The petitioner/Accused No.4 was arrested and remanded to judicial custody on 09.04.2025 on the basis of Non-Bailable Warrant issued against him. The absconding charge sheet has been filed against the petitioner in P.R.C.No.22 of 2023 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District, for the offences punishable under Sections 341, 332, 120(b), 147 of Indian Penal Code, 1860 r/w Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. in Crime No.585 of 2022 on the file of the respondent-police.

3. The petitioner has been arrayed as A4 as per the Charge Sheet. The respondent-police registered a case against the petitioner and others for the offence punishable under Sections 341, 332, 120(b), 147 of Indian Penal Code, 1860 r/w Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.585 of 2022 on the file of the respondent-Police. Since the petitioner failed to appear before the learned Judicial Magistrate, the respondent-police filed absconding charge sheet on 16.03.2023 and the same was taken on file in P.R.C.No.22 of 2023 on the file of the learned Judicial Magistrate, Pattukottai,



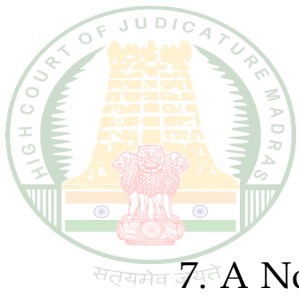
CRL OP (MD) No.7676 of 2025

Thanjavur District. Thereafter, the petitioner failed to appear before the learned Judicial Magistrate. Hence, Non-Bailable Warrant was issued against him on 05.04.2025 and the same was executed on 09.04.2025 (formal arrest).

4. Mr.S.Seeni Sulthan, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offences and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 09.04.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. He further submits that if bail is granted to the petitioner, he will not abscond and will co-operate with the trial proceedings. Accordingly, he prays to grant bail to this petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner was arrested in connection with another case and was produced before the learned Magistrate by way of a prisoner-on-transit warrant (formal arrest) in the present case. He further submits that the petitioner has two previous cases, and if bail is granted to him, he may abscond and thereby cause a delay in the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard both sides and perused the records.



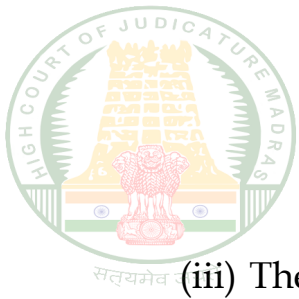
CRL OP (MD) No.7676 of 2025

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7. A Non-Bailable Warrant was issued against the petitioner on 05.04.2025, as he did not appear before the learned Judicial Magistrate. From the records, it is seen that the petitioner has two previous cases. The petitioner was arrested in connection with another case and was produced before the learned Magistrate by way of a prisoner-on-transit warrant (formal arrest) in the present case. Considering the above, this Court is of the opinion that one more opportunity may be granted to the petitioner to appear before the Trial Court and co-operate with the trial proceedings. Further, the petitioner has permanent residence, and therefore, there is less possibility of absconding. Considering the above cumulative circumstances, the period of incarceration, and in the interest of justice, and with a view to ensuring a fair trial, this Court is inclined to grant bail to the petitioner, however, subject to certain 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, Pattukottai;

(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, Pattukottai, shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP (MD) No.7676 of 2025

WEB COPY

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Pattukottai;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Pattukottai, on all working days, at 10.30 a.m., until further orders and on all hearing dates when the Trial Court requires his appearance;

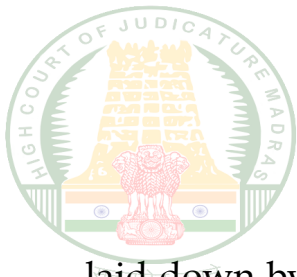
(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of 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, Pattukottai, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as



CRL OP (MD) No.7676 of 2025

laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13
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SCC 283].

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

sd/-
25/04/2025

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25/04/2025
Sub-Assistant Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

To

1.The Judicial Magistrate,
Pattukottai.

2 The Chief Judicial Magistrate, Thanjavur District at Kumbakonam.

3.The Officer-In-Charge,
District Jail, Thanjavur.

4.Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.

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

+1 CC to M/s.M.SEENI SULTHAN, Advocate (SR-4809[I] dated 25/04/2025)
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CRL OP (MD) No.7676 of 2025

ORDER

IN

CRL OP(MD) No.7676 of 2025

Date :25/04/2025

MK/SAR /25.04.2025 7P/7C

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