



CRL OP(MD).No.9886 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9886 of 2025

Thavakkal Hussain,
S/o.Abdul Salam

..Petitioner/Sole Accused

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.108 of 2025)

..Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.Thanga Aravindh.B,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.108 of 2025 on the file of the Respondent Police.



CRL OP(MD).No.9886 of 2025

ORDER: This Court made the following order :-

WEB COPY

The petitioner/Accused, who was arrested and remanded to judicial custody on 15.05.2025 for the offences punishable under Sections 296(b), 316(2), 318(4) and 351 (2) of BNS, 2023 in Crime No.108 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner cheated the de-facto complainant to the tune of Rs.21,00,000/- by taking a harvesting machine from her under the pretext of selling the same. It is further alleged that the petitioner abused the de-facto complainant's husband in filthy language and also threatened him with dire consequences. Hence, the present case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is no way connected with the case, a false case has been lodged as against the petitioner. The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He would further submit that the petitioner is in custody from 15.05.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is the sole accused in this case, and that he was running a company engaged in the sale of agricultural harvesting machines. The de-facto complainant



CRL OP(MD).No.9886 of 2025

WEB COPY

had obtained a loan from a bank and purchased a harvesting machine from the accused. Subsequently, the de-facto complainant decided to return the said machine. The accused received the machine, sold it to a third party, and failed to return the money to the de-facto complainant. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and taking note of the fact that the petitioner was remanded to judicial custody on 15.05.2025, and also considering the period of incarceration, and that by this time, most of the investigation might have been completed, this court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate, Theni. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Theni;



CRL OP(MD).No.9886 of 2025

WEB COPY

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

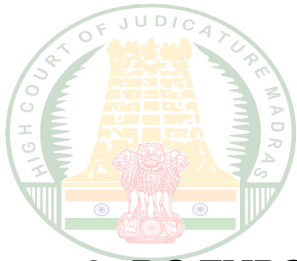
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

sd/-
19/06/2025

/ TRUE COPY /

19/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO
1 THE JUDICIAL MAGISTRATE,
THENI.



CRL OP(MD).No.9886 of 2025

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PERIYAKULAM.

4 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9886 of 2025
Date :19/06/2025

SA/SAR. /19.06.2025/5P/6C

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