

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 08/07/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11442 of 2025

1. P.Seyd Sirajudeen

2. Hamsha Mohaideen

... Petitioners/ Accused

Vs

State of Tamilnadu
Rep by the Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.419 of 2025)

... Respondent/ Complainant

For Petitioners : Mr. R.Ponkarthikeyan,
Advocate.

For Respondent : Mr.S.Prakash,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.419 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police



for the offences punishable under Sections 296(b), 351(2) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.419 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.3,00,000/- from the 1st petitioner on 06.12.2023 and another sum of Rs.1,00,000/- on 22.07.2024 for which, the defacto complainant has executed a sale deed in favour of the 1st petitioner. Furthermore, the de facto complainant asked the 1st petitioner to return the property after settling the aforementioned amount. Furthermore, the 1st petitioner has refused to return the property and threatened the de facto complainant over the phone. The 2nd petitioner is a witness in the transaction. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submitted that the petitioners are ready and willing to abide by any conditions which may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there is no previous case pending against the petitioners and the investigation is almost completed. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation has been almost completed and there is no previous case pending



against the petitioners and the case appears to be civil in nature and the custodial interrogation of the petitioners are not necessary, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Radhapuram, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate Court, Radhapuram, and on further conditions that:

(a) the petitioners and 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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate Court, Radhapuram, In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate Court, Radhapuram;

(c) the petitioners shall report before the respondent police



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daily at 10.30 a.m, until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-

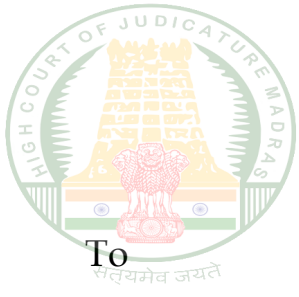
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The learned Judicial Magistrate Court, Radhapuram.

2. Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

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

+1cc M/s. R.Ponkarthikeyan Advocate S.R.No. 7288 Dated. 09/07/2025

ORDER
IN

CRL OP(MD) No.11442 of 2025

Date : 08.07.2025

CT (23/07/2025) 5P/6C

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