



CRL OP(MD).No.12045 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.12045 of 2025

and

CrI.M.P(MD)No.9704 of 2025

Peer Mohamed,
S/o.Mahaboob John,

... Petitioner/ A5

Vs

The State of Tamilnadu
rep.by the Inspector of Police,
Tirunelveli Twon Police Station,
Tirunelveli District.
(Crime No.68 of 2025)

.. Respondent/ Complainant

For Petitioner : Mr.P.Veerapandi,
Advocate.

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

For Intervenor : Mr.R.Muthuram,
Advocate.

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :- For Bail in Crime No.68 of 2025 on the file of the Respondent Police.

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ORDER : This Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 20.03.2025 for the offences punishable under Sections 126(2), 296(b), 103(1), 351(3), 49 of BNS altered into 126(2), 296(b), 103(1), 351(3), 49, 61(2) of BNS, in Crime No.68 of 2025 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the wife of the deceased Jahir Hussain, who is the retired Sub-Inspector of Police. After his retirement, he was appointed as Mutavalli of Tamil Nadu Waqf Board. The Waqf Board belongs to the land in T.S.No.2591 measuring 36 cents at Thottipalam Street, Tirunelveli Town. There was a dispute between the deceased and the fourth accused Noor Nisha and her husband Krishnamoorthy/A1 with regard to the encroachment of land belongs to the Waqf Board. The deceased had lodged several complaints against the accused persons before the higher authorities prior to this occurrence. Moreover, the accused persons have committed several illegal acts by wrongfully transferring the ownership of the Waqf property and illegally encroaching upon it. Due to that motive, on 18.03.2025 at about 05.30 am, while the said Jahir Hussain was returning from the Mosque after completing his prayer, at the instigation of A4



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and aid of other accused persons, A1 to A3 waylaid him, attacked him and also caused serious injuries. Subsequently, he succumbed to the injuries. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is ready and willing to abide any conditions that may be imposed by this Court. The petitioner is custody from 20.03.2025 and hence, seeks bail.

4. The learned Government Advocate (Criminal Side) submitted that the defacto complainant is the wife of the deceased Jahir Hussain, who is the retired Sub-Inspector of Police. After his retirement, he was appointed as Mutavalli of Tamil Nadu Waqf Board. There arose dispute between the deceased and the accused persons with regard to the encroachment of property belongs to the Waqf Board. Due to which, on 18.03.2025 at about 05.30 am, while the said Jahir Hussain was returning from the Mosque after completing his prayer, at the instigation of A4 and aid of other accused persons, A1 to A3 waylaid him, attacked him with weapons and murdered him. He further submitted that A1 to A3 are still in custody. A4 is the wife of A1 and released on bail by the learned Principal Sessions Judge, Tirunelveli in Cr.M.P.No.3133 of 2025.



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5. The learned Government Advocate (Criminal Side) also submitted that the investigation has already been completed, charge sheet has also been filed and the same was taken on file in P.R.C.No.137 of 2025 on the file of the Judicial Magistrate Court No.IV, Tirunelveli and thereafter, the case was committed to the Principal District Judge, Tirunelveli.

6. The learned counsel for the intervenor submitted that the deceased is a retired Sub Inspector of Police and aged about 62 years. The petitioner herein is one of the accused and arrayed as A5. The petitioner has aided the accused 1 to 3 by providing them two wheelers and informed the whereabouts of the deceased person at the time of occurrence and thereafter, he has helped the accused by disposing weapons and their cloths used in the occurrence. Hence, he opposed to grant bail to the petitioner.

7. Taking into consideration of the facts and circumstances of the case and also taking note of the facts that the investigation has already been completed and the same was taken on file in P.R.C.No.137 of 2025 on the file of the Judicial Magistrate Court No.IV, Tirunelveli and thereafter, committed to the Principal Sessions Court, Tirunelveli, A4, who is the wife of A1 was released on bail by the learned Principal Sessions Judge, Tirunelveli in Cr.M.P. No.3133 of 2025 and also considering the fact that the petitioner/Accused is in judicial custody from 20.03.2025, taking into



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consideration of the period of incarceration, this court is inclined to grant bail to the
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petitioner, subject to the following conditions:

8. 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 learned Judicial Magistrate No.IV, Tirunelveli, and on further conditions that :-

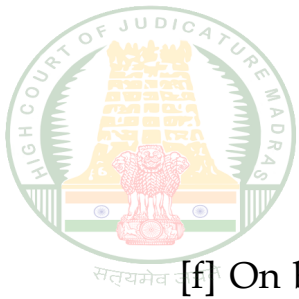
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate No.IV, Tirunelveli. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.IV, Tirunelveli;

[c] the petitioner shall stay at Theni and appear before the Palanichettypatti Police Station daily twice at 10.00 a.m., and 05.00 pm, except on hearing dates. On hearing dates, the petitioner shall appear before the concerned Court.

[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.



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[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 BNS.

9. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

sd/-
29/07/2025

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29/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das
TO

1.The Judicial Magistrate No.IV, Tirunelveli.

2.Do Through The Chief Judicial Magistrate, Tirunelveli District.

3.The Superintendent of Prison,
Central Prison, Palayamkottai.

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



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4.The Inspector of Police,
Tirunelveli Twon Police Station,
Tirunelveli District.

5.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-8127[I] dated 29/07/2025)

ORDER
IN
CRL OP(MD) No.12045 of 2025
and
Crl.M.P(MD)No.9704 of 2025
Date :29/07/2025

SBN/29.07.2025 7P/8C

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