



CRL OP(MD). No.15564 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date :18.09.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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Abdul Hussain

... Petitioner/ Accused

Vs

**The State of Tamil Nadu,
Rep by the Inspector of Police,
Melapalayam Police Station,
Tirunelveli City
(Crime No.227 of 2025)**

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar

**For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor**

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.227 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 18.08.2025 for the offences punishable under Sections 338, 339, 318,61(2), 351(2) of BNS in Crime No.227 of 2025 on the file of the respondent police. seeks bail.

2. The case of the prosecution is that originally disputed property situated at Kulavanikarpuram, Palayamkottai belonging to the father of the complainant in the year 1990 and as per the settlement dated 30.05.2025 he gave possession of the property to the complainant. A1 and A2 colluded with the other accused, created forged death certificate and legal heir certificate of the father of the defacto complainant as if he was died in the year 2015 and registered the release deed in favour of A2 by A1 on 08.05.2025. Further A3 and A4 attested in the above said release deed. A1 and A2 are in no way connected with the property, but they have obtained patta in their name for that property. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution and the name of the petitioner was not found place in the First Information Report. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 18.07.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the accused persons transferred the property of the defacto complainant into their names, hence he opposed for grant of bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner

5. Taking into consideration of the facts and circumstances of the case and also taking into consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on executing a 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 learned Judicial Magistrate No.V, 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 mobile number to the learned Judicial Magistrate No.V, Tirunelveli

[c] If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.V, Tirunelveli

[d] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[g] 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



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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].

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

18.09.2025

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To

1. The Judicial Magistrate No.V, Tirunelveli
2. The Superintendent, Central Prison, Palayamkottai
3. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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ORDER
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