



CRL OP(MD). No. 5904 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Shahul Hameed

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
AWPS, Nagercoil
Kanyakumari District.
(Crime No. 42 of 2011)

...Respondent/Complainant

For Petitioner : Mr.P.Prabhakaran
Advocate.

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 42 of 2011 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 27.01.2026 for the offences punishable under Sections 498(A) and 406 of IPC, Sections 3, 4, 6 of Dowry Prohibition Act and Section 4 of TNPHW Act, 2002 in Crime No. 42 of 2011 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife and after marriage, the petitioner and his family members demanded dowry and assaulted the defacto complainant. Hence, the complaint.

3. It is not in dispute that since the petitioner has not turned up for the hearing, Non-Bailable Warrant (NBW) was ordered to be issued in the year 2016 and the same was executed on 27.01.2026 and he is still in judicial custody.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by



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the prosecution. Hence, he prays to grant bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the case of the petitioner was split up and due to non-appearance, the Non-Bailable Warrant was issued against the petitioner. He would further submit that the case of the other accused was ended in acquittal and however, he strongly opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side, nature of offence, and considering the fact that already the petitioner was granted bail and thereafter, due to non-appearance, NBW was issued and also the mother's case was ended in acquittal and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Boothapandy, Kanyakumari and on further conditions that:

[b] the petitioner shall report before the learned Judicial Magistrate, Boothapandy, Kanyakumari, on all working days at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] 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 her from disclosing such facts to the Court or to any police officer or tamper with



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the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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.

(P D B J)
25.03.2026

apd

To

- 1.The Judicial Magistrate, Boothapandy, Kanyakumari.
- 2.The Inspector of Police,
AWPS, Nagercoil
Kanyakumari District.
3. The Superintendent, Sub Jail, Nagercoil, Kanyakumari.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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P. DHANABAL, J

apd

ORDER
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