



Crl.O.P.(MD)No.17103 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.02.2026

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.17103 of 2025

1.Sheik Nijamudeen @ Shaik Nizamudeen

2.Khaja Nijamudeen @ Haja Najumudeen

... Petitioners

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.344 of 2025)

... Respondent

For Petitioners : Mr.S.C.Herold Singh

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

For Intervenor : Mr.M.Solaisamy

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.344 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 406, 420, 506(1) of IPC in Crime



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No.344 of 2025, on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that the 3rd accused represented that the 1st petitioner was employed in a bank and engaged in auctioning pledged gold from which he was deriving substantial benefits. Further, the 1st petitioner had suffered heavy losses and was in urgent need of financial assistance. The de-facto complainant initially expressed his inability to help. The 1st and 2nd petitioners assured that they would repay any debt and that they themselves be held responsible for the repayment of gold and money. Believing the representations and assurances the defacto complainant and his wife parted with gold ornaments weighing about 51.6 sovereigns and a sum of Rs. 7,00,000/- in installments. A bond was also executed on a non-judicial stamp paper of Rs.20/- duly signed by the parties and witnessed by the 3rd accused. Thereafter, when the de-facto complainant demanded the return of money and jewels in the month of March 2023 for the marriage of his family members, the petitioners failed to return the same. On certain occasions, they have given small amounts ranging from Rs.20,000/- to Rs.50,000/- as cash at times and as Bank deposits at times to the account of De-facto complainant's wife. In total, only a sum of Rs.3,97,500/- was repaid. They have been continuously making false assurances of repayment. Subsequently, the defacto complainant came to



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know that the 3rd accused had gone abroad for work and upon further inquiry, the villagers informed him that the petitioners were involved in Undiyal (Hawala) transactions and were in the habit of cheating people by collecting money. During 2024, when the 1st and 2nd petitioners returned to Karaikudi, the de-facto complainant demanded his money and jewels for which the petitioners criminally intimidated with threats to his life. Hence, the apprehension of arrest. Hence, a case has been registered as against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and they have not committed any offence. He seeks this Court to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the respondent submitted that the offences committed by the petitioners are serious in nature.

5.This Court granted interim anticipatory bail and referred the matter to mediation. In the mediation, the parties have entered into settlement agreement and the terms of the agreement are extracted hereunder:



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"A. Both parties agreed that the petitioners will settle the amount of Rs. 43,00,000/- infavour of Mr.N.Abdulla in four settlements on the following terms as:-

- 1. 1st Installment Rs. 13,00,000/- dated 28.02.2026.*
- 2. 2nd Installment Rs. 10,00,000/- dated 28.03.2026*
- 3. 3rd Installment Rs. 10,00,000/- dated 30.04.2026*
- 4. 4th Installment Rs. 10,00,000/- dated 30.05.2026*

(a) The Petitioners had deposited Rs.1,00,000/- each on the direction of the Hon'ble High Court Madurai order dated 09.10.2025 in the Judicial Magistrate Court at Karaikudi on 12.11.2025. That amount can be withdrawn by the petitioners after the completion of 4th installment dated 30.05.2026 without notice the complainant.

(b) Further the complainant has agreed to withdraw the pending Cr:No: 344/2025 Karaikudi North Police Station after the completion of the 4th installment dated 30.05.2026."

6.The petitioners have agreed to pay the amount in 4 equal installments.

If there is any default in payments, the defacto complainant is at liberty to approach the Court. Further, it is made clear, if the petitioner has made any default in the payment, cancellation of anticipatory bail will be considered.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Karaikudi, within a period of fifteen days from the date on which the order copy made ready 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

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

[e] 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 is 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].



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[f]If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 of BNS.

19.02.2026

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TO

1. The Learned Judicial Magistrate,
Karaikudi.

2.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.



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S.SRIMATHY,J

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ORDER
IN
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