
(2025) 10 MAD CK 0028

Madras HC

Case No: Criminal Original Petition No. 29101 Of 2025

Yasin Basha

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023 — Section 324(4), 351(3), 269
- Tamil Nadu Public Property (Prevention Of Damage And Loss) Act, 1992 — Section 3

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: M.Sathish Kumar, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 09.09.2025, for the offence punishable under Sections 324(4) and 351(3) of BNS Act r/w Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.343 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the on account of previous enmity, the petitioner had pelted stones in the de facto complainant's house; that thereby broke the glass of her vehicle and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that this Court had already dismissed the bail application of the petitioner in CrI.O.P.No.26841 of 2025 dated 26.09.2025 on the ground that the petitioner has previous cases. He further submitted that the cases referred to in the earlier order are all old cases, and the petitioner has been falsely implicated in the present case. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (CrI.Side) appearing for the respondent police opposed the grant of bail to the petitioner, reiterating the prosecution case and submitted that the investigation in this case is pending.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of the allegations, the fact that the previous cases cited are all old cases and that the petitioner has not been involved in any other offence after 2021, and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Katpadi, Vellore District, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of three weeks;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.