
(2025) 12 MAD CK 0033

Madras HC

Case No: Criminal Miscellaneous Petition (MD) No. 22281 Of 2025

Satham Hussain

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 269, 303(2), 317(2)

Hon'ble Judges: S.Srimathy, J

Bench: Single Bench

Advocate: K.Varshini, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 25.10.2025 for the offences punishable under Section 303(2) of BNS Subsequently, the sections were altered as under Sections 303(2) and 317(2) of BNS, in Crime No.391 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 27.09.2025, the petitioner and the other accused persons had stolen the diamonds from the defacto complainant's pocket, and upon alighting from the bus, he found that the diamonds were missing. Hence, the complaint.

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. She further submitted that co-accused had already been granted bail by this Court in CrI.OP(MD).No.20813 of 2025 dated 20.11.2025. She further submitted that the petitioner is in judicial custody from 25.10.2025. Hence, she seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had stolen the diamond and A-1 to A-3 attempted to sell it. He further submitted that the property has been recovered. Therefore, he opposed the grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the property has been recovered and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions.

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, Trichy, and on further conditions that

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

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

[d] the petitioner 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].

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