



Crl.O.P.No.24533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

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Kumarasamy

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
(Crime No. 385 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.385 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.08.2024, for the alleged offence punishable under Sections 191(2),



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191(3), 296(b), 329(4), 118(2), 351(3), 109 r/w Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, in Crime No.385 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.08.2024 at about 8.30 p.m, due to rash driving of the car, the petitioner along with other accused trespassed into the house of the defacto complainant, assaulted the defacto complainant's son and his friend Sairam, and also attacked them with an iron rod and a wooden log, thereby causing severe injuries to them and also caused damages to the house hold articles. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 25.08.2024 and he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is case and case in counter. He further submits that due to previous enmity, regarding the rash driving of the car, on the date of the alleged occurrence, the petitioner along with other accused trespassed into the house of the defacto complainant and assaulted the defacto complainant's son and his friend Sairam with a wooden log, causing injuries to them and they were admitted to the hospital. He further submits that the injured was discharged from the hospital. He further submitted that the petitioner has no previous cases, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence, considering the period of incarceration undergone by the petitioner, injured was discharged from the hospital and the petitioner has no previous case pending against him, and there is a case in counter, and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Kilvelur, and on further conditions that:-

[a] the petitioner shall report before the Nagapattinam Town Police Station, daily at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] 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 him from disclosing such facts to the Court or to any police officer;

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



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[e] 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]; and

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

14.10.2024

drl

To

- 1.The District Munsif cum Judicial Magistrate Court,
Kilvelur.
- 2.The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
- 3.The Superintendent,
Sub Jail, Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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