



Crl.O.P.No.24515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

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

Crl.O.P.No.24515 of 2024

1.Senthilnathan

2.Paranikumar

3.Divakar

4.Ranjith Kumar

5.Manikandan

6.Veeravijayaseelan

... Petitioners

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 Petitioners : Mr.P.Muthamizhselvakumar

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



Crl.O.P.No.24515 of 2024

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.08.2024, for the alleged offence punishable under Sections 191(2), 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, seek 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 petitioners along with others, 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 petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He would further submit that the petitioners were arrested and are in judicial custody from 25.08.2024 and they are ready to abide by any conditions that may be



Crl.O.P.No.24515 of 2024

imposed by this Court. Hence, he prayed bail for the petitioners.

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 petitioners along with others 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 were discharged from the hospital. He further submitted that the petitioners have no previous cases, pending against them. However, he opposed to grant bail to the petitioners.

5. Learned counsel for the intervenor has reiterated the arguments of the learned Government Advocate (Crl.Side) and opposed to grant bail to the petitioners.



CrI.O.P.No.24515 of 2024

WEB COPY

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

7. Considering the nature of offence, considering the period of incarceration undergone by the petitioner, injured were discharged from the hospital, the petitioners have no previous case pending against them, 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.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each, 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 petitioners 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 Petitioners shall not commit any offences of similar to the



CrI.O.P.No.24515 of 2024

offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioners 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 Petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



WEB COPY



Crl.O.P.No.24515 of 2024

P.DHANABAL, J.

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.

Crl.O.P.No.24515 of 2024

14.10.2024
($\frac{1}{2}$)