



CRL OP(MD). No.3217 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3217 of 2024

1. Viswa @ Viswanathan

2. Naganathan

... Petitioners/5<sup>th</sup> & 6<sup>th</sup> Accused

Vs

The Inspector of Police,  
Nainarkovil Police Station,  
Ramanathapuram District.  
Crime No.12 of 2024.

... Respondent/Complainant

For Petitioners : M/s.Gurudas M,  
Advocate.

For Respondent : Mr.B.Nambi Selvan,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.12 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5 and A6, who were arrested and remanded to judicial



CRL OP(MD). No.3217 of 2024

custody on 02.02.2024 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevent of Damage and Loss) Act, 1992, in Crime No.12 of 2024, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners had illegally transported sand and the same was informed to the respondent police by the defacto complainant, aggrieved by the same, the petitioners attacked the defacto complainant and damaged the car worth about Rs.1,50,000/- and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and no previous case is pending against them and they are in judicial custody since 02.02.2024. However, on instructions, he further submitted that the petitioners, on their own volition, are ready and willing to pay a sum of Rs.50,000/- to the defacto complainant directly by way of demand draft. Hence, he prays to grant bail to the petitioners.



CRL OP(MD). No.3217 of 2024

WEB COPY

4.The learned Additional Public Prosecutor appearing for the State strongly opposed to grant bail stating that due to the enmity, the petitioners attacked the defacto complainant and damaged his car worth about Rs.1,50,000/-. However, he fairly conceded that the injured was discharged from the hospital.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital, this court is inclined to grant bail to the petitioners with certain conditions.

7.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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi, and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



CRL OP(MD). No.3217 of 2024

WEB COPY

**(b) As per the undertaking given by the petitioners, the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) jointly by way of demand draft drawn in favour of the de-facto complainant, without prejudice to their rights and contentions before the trial and on production of proof/acknowledgement, the learned Magistrate shall accept the sureties furnished by the petitioners and entrusted the said Demand Draft to the defacto complainant directly;**

(c) the petitioners are directed to appear before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance



CRL OP(MD). No.3217 of 2024

WEB COPY

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;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
29/02/2024

/ TRUE COPY /

29/02/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,  
PARAMAKUDI.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,  
PARAMAKUDI SUB JAIL, PARAMAKUDI.
- 4 THE INSPECTOR OF POLICE  
NAINARKOVIL POLICE STATION,  
RAMANATHAPURAM DISTRICT.



CRL OP(MD). No.3217 of 2024

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.M.GURUDAS, Advocate ( SR-2542[I] dated 29/02/2024 )

ORDER  
IN  
CRL OP(MD) No.3217 of 2024  
Date :29/02/2024

SS/SAR- /29/02/2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023