



CRL OP (MD) No.4608 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.4608 of 2025

Naina @ Karuppasamy @ Karthick,
S/o.Subburayalu,
Sangupuram 4th Street,
Presently residing at
Bharathiyar 1st Street,
Sankarankoil,
Tenkasi District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
Crime No.190/2025.

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

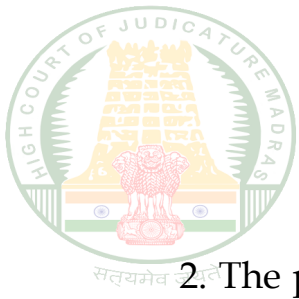
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.190 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



CRL OP (MD) No.4608 of 2025

WEB COPY

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 02.03.2025 for the offences punishable under Sections 194(1) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 altered into Sections 333, 296(b) and 103(1) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.190 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to previous enmity, on 19.02.2025, a wordy quarrel arose between the petitioner and the deceased near the TASMACH shop situated at Railway Feeder Road, Sankarankovil. Later, the deceased went back home. Thereafter, on the same day, at about 10:00 p.m., the petitioner, along with Accused No.2, went to the house of the deceased and assaulted him on the head, chest, and shoulder with a wooden log and an iron rod, due to which the deceased became unconscious. Subsequently, he was taken to the hospital by one Lakshmanan and admitted in Sankarankovil Government Hospital on 20.02.2025. Thereafter, he was referred to Tirunelveli Medical College Hospital and later shifted to Sri Krishna Private Hospital, where he succumbed to his injuries on 01.03.2025. Hence, the complaint.

4. Mr.V.Kathirvelu, learned Senior Counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the petitioner has



CRL OP (MD) No.4608 of 2025

been in judicial custody since 02.03.2025 and is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation has been completed, and the respondent-Police are going to file a charge sheet very shortly. He further submits that there is no previous case pending against the petitioner. He further submits that if the petitioner is enlarged on bail, he may pose a threat to the family members of the deceased and witnesses, thereby delaying the investigation. Accordingly, he strongly opposes to grant bail to the petitioner.

6. This Court has considered the submissions made on either side. This Court has perused records including the First Information Report and the confession statement of the accused.

7. In view of the allegation made in the First Information Report and in view of the confession statement of the accused, it appears that due to sudden provocation, the alleged offence happened. Hence, this Court is of the opinion that further custody of the petitioner is not necessary in this case for the Investigation Agency. Considering the same, and also considering the fact that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of



CRL OP (MD) No.4608 of 2025

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absconding and the period of incarceration suffered by the petitioner and taking note of the fact that there is no previous case pending against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

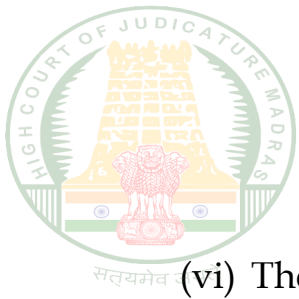
(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Sankarankovil, Tenkasi District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Sankarankovil, Tenkasi District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sankarankovil, Tenkasi District;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;



CRL OP (MD) No.4608 of 2025

WEB COPY

(vi) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(vii) 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant, the family members of the deceased and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sankarankovil, Tenkasi District, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
02/04/2025

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02/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP (MD) No.4608 of 2025

TO मेव जयते

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1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, SANKARANKOVIL TOWN POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-3797[I] dated 02/04/2025)

ORDER

IN

CRL OP(MD) No.4608 of 2025

Date :02/04/2025

RS/IT/SAR-(02.04.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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