



CRL OP(MD). No.10649 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY
(Criminal Jurisdiction)

Date : 26.06.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD). No.10649 of 2025

Sivahami Nathan,
S/o.Azhagiya Nambi ...Petitioner / Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.397 of 2025)
... Respondent/ Complainant

For Petitioner : Mr.C.Susikumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.



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PRAYER :- For Bail in Crime No.397 of 2025 on the file of the respondent police.

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ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 12.06.2025 for the offences punishable under Sections 281 and 125(a) of Bharatiya Nyaya Sanhita, 2023 @ Sections 281, 125(A) and 110 of Bharatiya Nyaya Sanhita, 2023 and Sections 181(4), 182, and 199A of the Motor Vehicles Act, 1988, in Crime No.397 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.06.2025, at about 10:00 p.m., the defacto complainant went to the nearest medical shop on his bike bearing Registration No.TN-72-AX-6729 to buy tablets for his granddaughter. He was riding his bike slowly on the left side of the road, adhering to traffic rules. At that time, a juvenile boy riding a Honda Activa bearing Registration No.TN-72-DZ-0778 came in a rash and negligent manner and hit the defacto complainant's bike. As a result of the impact, he was thrown off the vehicle and sustained injuries. Based on the above allegations, the FIR came to be registered. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner is in custody from 12.06.2025.



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Hence, he seeks bail.

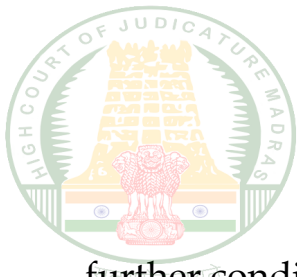
WEB COPY

4. The learned Government Advocate (Criminal Side) would submit that, despite knowing that the vehicle would be driven by a juvenile, the petitioner had permitted the juvenile to drive the vehicle, and thereby the accident occurred. He would further submit that the injured person was admitted to the hospital on 10.06.2025 and was discharged on 19.06.2025. He would further submit that there are no previous cases against the petitioner. He would also submit that the investigation in this case is still pending and therefore, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also the fact that the injured has already been discharged from the hospital, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. 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, each for a like sum to the satisfaction of learned Judicial Magistrate, Radhapuram, and on



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further conditions that:-

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[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.

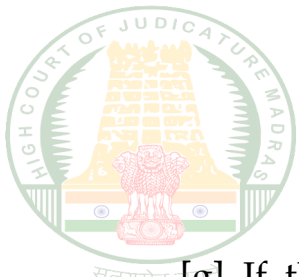
[b] the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Radhapuram. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate, Radhapuram.

[c] the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 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]*.



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[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
26/06/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.10649 of 2025
Date :26/06/2025

NM/26.06.2025 6P/6C

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