



CRL OP(MD).No.13562 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD).No.13562 of 2025

Vishwa @ Viswanathan,
S/o.Vasantharajan,

..Petitioner/ Accused
No.3

Vs

The State of Tamilnadu
rep.by The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.660 of 2014)

.. Respondent/ Complainant

For Petitioner : Mr.S.Vishnuvardhan
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.660 of 2014 on the file of the Respondent Police.

ORDER : This Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded into judicial



CRL OP(MD).No.13562 of 2025

custody on 21.01.2025 for the offences punishable under Sections 294(b), 342, 326, 307, 506(ii) of IPC in Crime No.660 of 2014 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 08.10.2014, at about 10.30a.m. there was a dispute among the defacto-complainant and the accused persons regarding fish auction at Thoothukudi fort. At that time, A1 and A2 had attacked the defacto-complainant with Aruval and caused severe injuries. At that time, this petitioner has also accompanied with the A1 & A2. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner had failed to appear before the trial Court. On 23.06.2023, a Non-Bailable Warrant was issued against the petitioner. On 21.01.2025, the NBW warrant was executed and the petitioner was arrested and remanded into judicial custody. This petitioner is not at all intending to escape for evading from the law. Due to non communication between the counsel and the petitioner and also due to his ill health, on 23.06.2023, at the time of hearing, he could not appear before the trial Court, the trial Court issued Non Bailable Warrant against him. The Non-appearance of the petitioner before the Trial Court is neither willful nor wanton but for the above said reason.



CRL OP(MD).No.13562 of 2025

WEB COPY

The petitioner is ready and willing to abide any conditions that may be imposed by this Court. He further submits that the petitioner undertakes that he will not abscond and he will regularly appear before the Trial Court on hearing dates without fail. He would further submit that the petitioner is in custody from 21.01.2025 for the past 211 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner failed to appear before the trial Court, due to which the trial Court had issued Non Bailable Warrant to the petitioner. The petitioner was arrested and remanded to judicial custody on 21.01.2025. In this case, investigation completed, charge sheet has also been filed and the same was taken on file in S.C.No.58 of 2025 on the file of the learned I Additional District and Sessions Judge, Thoothukudi. This petitioner is having four previous cases. Hence, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking note of the fact that now the trial was commenced in S.C.No.58 of 2025 on the file learned I Additional District and Sessions Judge, Thoothukudi, considering the undertaking given by the learned Counsel for the petitioner, the petitioner/accused



CRL OP(MD).No.13562 of 2025

No.3 remanded into judicial custody on 21.01.2025, taking into consideration of the
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period of incarceration, this court is inclined to grant bail to the petitioner, subject to
the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a
bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two
sureties, each for a like sum to the satisfaction of learned I Additional District and
Sessions Judge, Thoothukudi 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.

[b] The petitioner shall furnish his residential address and contact number to
the learned I Additional District and Sessions Judge, Thoothukudi. If the petitioner
changes his residential address, he shall report the same to the learned I Additional
District and Sessions Judge, Thoothukudi;

[c] the petitioner shall appear and sign before the respondent police daily
twice at 10.00a.m. And 05.00p.m. except on hearing dates; until further orders; he
shall also appear before the concerned Trial Court on hearing dates.

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



CRL OP(MD).No.13562 of 2025

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[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].

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

sd/-
20/08/2025

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20/08/2025
Sub-Assistant Registrar (C.S. II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn

TO:-

1. The I Additional District and Sessions Judge,
Thoothukudi.
2. The Superintendent,
Central Prison, Palayamkottai.
3. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.

<https://www.himc.tn.gov.in/judis>



CRL OP(MD).No.13562 of 2025

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.13562 of 2025
Date :20/08/2025

HPS/20.08.2025 6P/5C

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