



CRL OP(MD). No.19065 of 2024

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

Date : 06/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. T. Arumuga Nainar

2. E.Madasamy

... Petitioners/ Accused No.1 and 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
(Crime No.260 of 2024.)

... Respondent/Complainant

For Petitioners : Mr. J.Jeyakumaran, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.260 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial



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custody on 29.10.2024 for the offences under Sections 191(2), 329(4) of BNS (hereinafter referred to as new penal code) and Section 3 of TNPPDL Act in Crime No.260 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is a practicing Advocate in Tirunelveli District Court. He was running his office in the subject property. On 28.10.2024, the petitioners along with others trespassed into the office and damaged the property and caused loss to the tune of Rs.40,000/-.

3. The learned Counsel appearing for the petitioners submitted that the property in question belongs to one Srinivasan, who purchased the same from a third party. The first petitioner is a tenant in the property. After the purchase by Srinivasan, he continued to be a tenant. There is a dispute between the said Srinivasan and the first petitioner and it resulted in a case instituted before the Rent Control Court and it went in favour of the first petitioner. The learned Counsel further submitted that the said Srinivasan had engaged the defacto complainant to conduct one of his cases. In the mean time, the said Srinivasan died. Thereafter, an attempt was made by the defacto complainant to takeover the entire property and thereby, the dispute arose.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the accused persons had barged into the office belonging to



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the defacto complainant and had caused damage to the property to the tune of Rs.40,000/-. The learned Additional Public Prosecutor further submitted that there is an on going dispute with respect to the property.

5.The learned Counsel appearing on behalf of the defacto complainant, who has intervened in this case submitted that the accused persons had virtually attempted to throw away the defacto complainant from the property and wanted to grab the entire property. They trespassed into the office and caused damage to the property. The learned Counsel vehemently opposed grant of bail to the petitioners.

6.This Court has carefully considered the submissions made on either side and materials available on record.

7.It is quite evident from the submissions made on either side that there is a property dispute. The petitioners on the one side and the defacto complainant on the other are accusing each other that the other side is attempting to grab the entire property. The issue regarding the right over the property has to be resolved only before the civil Court and no party can be permitted to take law into their own hands and disturb the possession of the other.

8.Taking into consideration the facts and circumstances of the case and also considering the fact that a property dispute is involved in this case and the petitioners have already suffered incarceration from 29.10.2024 onwards, this Court



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is inclined to grant bail to the petitioners subject to the following conditions.

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9. Accordingly, the criminal original petition is ordered and 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 No.IV, Tirunelveli 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 petitioners shall report before the respondent police every Monday and Friday at 05.30 p.m until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioners shall appear before the trial Court during every hearing date without fail.

[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 with



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/11/2024

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06/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

1.The Judicial Magistrate No.IV,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.

4.The Superintendent,
Central Prison, Palayankottai.



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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-13647[I] dated 06/11/2024)

ORDER
IN
CRL OP(MD) No.19065 of 2024
Date :06/11/2024

ED/ /SAR- (06/11/2024) 6P / 7C

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