



CRL OP(MD) No.20960 of 2024

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

Date : 02.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH
CRL OP(MD). No.20960 of 2024

C.Chandrasekar,

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Austinpatti Police Station,
Madurai District.
(Crime No.188 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.G.Muthukirshnan,
Advocate.

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

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.188 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 06.11.2024 for the alleged offences under Sections 329, 351(3), 316(2), 318 (2), 338 and 339 of BNS, 2023, in Crime No.188 of 2024, on the file of the respondent police, seeks bail.

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



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2. The case of the prosecution is that A1 was working as a watchman in the property belonging to the defacto complainant. He is said to have removed A1 on the ground that he had stolen iron post and fencing. On 19.07.2023, the defacto complainant found that the accused persons had encroached 1 cent of land in the said property and they have constructed a tin shed. When the same was questioned, the accused persons are said to have intimidated the defacto complainant and they have also filed a suit, in O.S.No.201 of 2023, which is pending before the competent civil Court based on the forged receipts created by them. The petitioner has been arrayed as A3.

3. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that originally there are 4 accused persons in this case. A1 is the father of the petitioner. A2 was originally the wife of A1, A3 is the son of A1 and A4 is the daughter-in-law. After investigation, A2 and A4 were deleted from the array of accused. A1 died. Hence only other accused person left is A3. He further submitted that the accused persons have created forged tax receipts.

4. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and his family members. He further submitted that the defacto complainant is the owner of the land and the petitioner and his family members were cultivating tenants for more than 23 years. The defacto complainant



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threatened the accused persons to vacate the property and as a result, a suit came to be filed in O.S. No.201 of 2023 before the learned District Munsif Court, Thirumangalam against the defacto complainant. It is under these circumstances, a complaint has been given against the petitioner. In fact, an earlier complaint was given in C.S.R.No. 348 of 2023 and the same was pending. Thereafter, the present complaint was lodged. Hence, it was contended that the entire criminal proceedings is in an abuse of process of law.

5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the submissions made on either side and the materials placed before this Court and also considering the fact that the petitioner has suffered incarceration from 06.11.2024, this Court is inclined to grant bail to the petitioner 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 the learned Principal Sessions Judge, Madurai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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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 report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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].

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

sd/-
02/12/2024

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02 / 12 / 2024
Sub-Assistant Registrar (C.O.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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- 1 THE PRINCIPAL SESSIONS JUDGE, MADURAI,
- 2 THE OFFICER INCHARGE, SUB JAIL, TIRUMANGALAM.
- 3 THE INSPECTOR OF POLICE,
AUSTINPATTI POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. MUTHUKRISHNAN. G Advocate SR.No.14783(I) dated 02/12/2024

ORDER

IN

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Date :02/12/2024

PSP/ /SAR /02.12.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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