



Crl.O.P.(MD) No.22900 of 2024

WEB COPY

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

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.22900 of 2024

1.Murugan

2.Jeya Chithra

3.Jeya Lakshmi

4.Praveena

... Petitioner / Accused No.2 to 4

-VS-

State through
The Inspector of Police
Thisayanvilai Police Station
Tirunelveli District
(Crime No.734 of 2024)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest or surrender in Crime No.734 of 2024, on the file of the respondent – Police.

For Petitioners : Mr.T.Lenin Kumar, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



Crl.O.P.(MD) No.22900 of 2024

ORDER

WEB COPY

The petitioners / accused, who apprehend arrest at the hands of the respondent – Police for the offences punishable under Sections 191(2), 191(3), 296(b), 329(4), 305(a) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3 of the Tamil Nadu Public Property (Prvnt. Of Damage & Loss) Act, 1992, in Crime No734 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 19.12.2024, at about 10.00 p.m., the petitioners and 20 others barged into the restaurant being run by the de facto complainant and damaged the properties worth about Rs.3,20,000/- Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution. According to the petitioners, the restaurant in dispute belongs to one Govinda Chettiar. The first petitioner's father Gurunathan took out the land for lease and he was running the restaurant therein. At this juncture, the said Gurunathan sub-let the restaurant to the de facto complainant for a period of five years. One month ago, the said Gurunathan passed away. Since the de facto complainant did not pay the rent to the first petitioner and entered into a fresh lease agreement with the said Govinda



Crl.O.P.(MD) No.22900 of 2024

WEB COPY

Chettiar, the petitioners herein filed a suit against the de facto complainant and the said Govinda Chettiar in O.S.No.50 of 2024, on the file of the District Munsif-Judicial Magistrate Court, Radhapuram, for the relief of permanent injunction. In such circumstances, the first petitioner and his brother Selvakumar questioned the de facto complainant as to why he did not pay the rent to the said Govinda Chettiar and at that time, a quarrel arose between them. At the end of the quarrel, the de facto complainant and the petitioners were pacified by the adjacent building owners and they were sent on their own way. However, after passing off a day, the de facto complainant lodged the complainant. The petitioners have not damaged any properties as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) appearing for the respondent - Police fairly submits that totally seven accused are involved in this case. A1 to A3 were arrested on 20.12.2024 and now, they are in judicial custody. The petitioners are friends of the de facto complainant and no previous case is pending against them. Since the petitioners damaged the properties of the de facto complainant worth about Rs.3,20,000/-, learned Government Advocate (Criminal Side) opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of



Crl.O.P.(MD) No.22900 of 2024

WEB COPY

offences charged as against the petitioners and taking into consideration the relationship between the parties and a civil suit is also pending between them regarding tenancy dispute and also and there is no previous case pending against the petitioners, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to execute 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 Judicial Magistrate, Radhapuram, and on further conditions that:

[b] the petitioners shall report before the respondent – Police, daily at 10.00 A.M. for thirty days and thereafter, as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.



Crl.O.P.(MD) No.22900 of 2024

WEB COPY

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK

To

1.The Judicial Magistrate,
Radhapuram.

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



Crl.O.P.(MD) No.22900 of 2024

3.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-15936[I] dated 30/12/2024)

ORDER
IN
CRL OP(MD) No.22900 of 2024
Date :27/12/2024

ED/ SKN /SAR- (31/12/2024) 6P / 6C

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