



CRL OP(MD). No.23018 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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1.Valli @ Muthuvalli,  
W/o.Shanmugam

... Petitioner/ Accused No.1

2.Vijayalakshmi,  
W/o.Vasikannan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
Mathichayam Police Station,  
Madurai.  
(Crime No.481 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.S.Ramanathan,  
Advocate.

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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



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PRAYER :-

For Anticipatory Bail in Crime No.481/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent for the offences punishable under Section 305 of BNS, 2023 in Crime No.481 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a tenancy dispute between the de-facto complainant, who is the tenant, and the petitioners/accused, who are the owners of the house property. When the de-facto complainant was out of station, the accused are said to have entered into the house of the de-facto complainant and stolen the household articles, along with the gold ornaments and cash. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons, and are no way connected with the alleged occurrence. They have been falsely implicated in this case. Hence, prayed to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioners are the owners of the property and the de-facto complainant is the tenant residing in their property. Due to tenancy dispute, the accused entered into the house of the defacto complainant and stolen the house hold articles. There are no previous cases as against the petitioners. However, strongly opposed to grant anticipatory bail to the petitioners.

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

6. Considering the representations made by the learned counsel on either side, and considering the nature of offences charged against the petitioners, the fact that there are no previous cases pending as against the petitioners, and also considering the fact that there is a tenancy dispute between the parties, I am inclined to grant anticipatory bail to the petitioners, 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) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Madurai.



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[b] the petitioners shall report before the respondent police on every Saturday at 10.00 A.M. for a period of four weeks and thereafter, as and when required for the 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.

[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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-  
27/12/2024

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/01/2025

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

cm/mkn

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WITTO COPY

- 1.THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
- 3.THE INSPECTOR OF POLICE,  
MATHICHAYAM POLICE STATION,  
MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.23018 of 2024  
Date :27/12/2024

RK/SKN (02/01/2025) 5P / 5C  
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