



Crl.O.P.(MD) No.23052 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.23052 of 2024

1.Petchi

2.Pala @ Palavesam

3.Venkatesan

... Petitioners (rank not known)

-vs-

State of Tamil Nadu
rep.by the Inspector of Police
Sivanthipatti Police Station
Tirunelveli District

... Respondent / Complainant

(Crime No.413 of 2024)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER: Petition filed under Section 482 of BNSS to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.413 of 2024, on the file of the respondent – Police.

For Petitioners : Mr.N.Balasubramanian, Advocate

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



Crl.O.P.(MD) No.23052 of 2024

WEB COPY

ORDER

The petitioners / accused, who apprehend arrest at the hands of the respondent – Police for the offences punishable under Sections 296(b), 132, 351(2) B.N.S, Section 4 of TNPPDL Act and Section 4 of Women Harassment Act, in Crime No.413 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.12.2024, when the HR&CE officials along with Surveyor surveyed the temple lands and tried to lay boundary stones, the petitioners damaged the boundary stones and threatened them with dire consequences. 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. In fact, the land, wherein the HR&CE tried to lay boundary stones, belongs to the petitioners by way of inheritance.

4. The learned Government Advocate (Crl. Side) appearing for the respondent –



Crl.O.P.(MD) No.23052 of 2024

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Police would submit that the petitioners damaged the boundary stones and threatened the surveyor and the petitioners are having three previous cases. Out of which, two cases have been disposed of and nobody was injured in this case and a civil suit is pending between the parties regarding the property dispute. However, he strongly 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 offences charged as against the petitioners and also taking into consideration the fact that there is a civil suit pending with regard to property dispute between the parties and nobody was injured in the occurrence and though the learned Government Advocate (Criminal Side) stated that the petitioners are having three previous cases, out of three previous cases, two cases have been disposed of and in one case, they petitioners were granted bail, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial



Crl.O.P.(MD) No.23052 of 2024

Magistrate No.III, Palayamkottai, and on further conditions that:

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[b] the petitioners shall report before the respondent – Police, on all Saturdays at 10.00 A.M. for four weeks 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.

[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

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/12/2024

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

krk

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Crl.O.P.(MD) No.23052 of 2024

TO:
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1.THE JUDICIAL MAGISTRATE NO.III, PALAYAMKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-15948[I] dated 31/12/2024)

ORDER
IN

CRL OP(MD) No.23052 of 2024

Date :27/12/2024

RK/GSV (31/12/2024) 5P / 6C

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