



Crl.OP.No.6991 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.6991 of 2025

Aruchamy ... Petitioner(s) /Accused

Vs.

The State rep. by its
Inspector of Police,
Dharapuram Police Station,
Tiruppur.
Crime No.61/2025.

... Respondent(s)/ Complainant

Sumathi ... Defacto Complainant
*[Permitted to intervene vide order dated 18.03.2025
made in Crl.MP.No.5293 of 2025 in Crl.OP.No.6991 of 2025]*

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in Crime No.61 of 2025 on the file of the respondent police.

For petitioner(s) : Mr.R.C.Paul Kanagaraj for
M/s.P.J.Anitha

For Respondent(s) : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervenor : Mr.D.Veenasekaran



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 07.02.2025, seeking bail in Crime No.61 of 2025 registered for the offences under Sections 329(4), 296(b), 132, 324(5) and 351(3) of BNS, 2023, Section 4 of the TNPHW Act, 2002.

2. It is the case of the prosecution that the petitioner, claiming ownership of the property belonging to the Tamil Nadu Housing Board, unlawfully entered the premises on 07.02.2025, abused and attacked the defacto complainant and other officials of the Tamil Nadu Housing Board, and damaged the houses constructed by the Tamil Nadu Housing Board. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is aged about 65 years and is suffering from multiple ailments. The learned counsel further submitted that the property originally belonged to the petitioner's father and the property was acquired without his knowledge, excluding him; and that he has been continuously contesting the ownership of the property and



prayed that the petitioner may be released on bail.

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4. The learned counsel for the defacto complainant, however, submitted that the petitioner has been continuously disturbing the possession of the defacto complainant; that he has caused damage to the windows of the houses; and that he has also produced photographs to substantiate the same.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the petitioner has attempted to trespass onto the land belonging to the Tamil Nadu Housing Board, caused damage to the windows of the houses, and has two previous cases registered against him for the offences under Sections 294 and 323 of IPC.

6. The petitioner has been in custody since 07.02.2025. It is seen that the petitioner, while claiming title over the property, engaged in a dispute with the Tamil Nadu Housing Board and caused damage to the property. However, the question is whether the petitioner's further custody is necessary for the purpose



of investigation. It is needless to state that if the petitioner is aggrieved by the issue, he has to approach the competent civil court for redressal and cannot resort to such acts.

7. Considering the aforesaid facts and the period of incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions. This Court further makes it clear that if the petitioner engages in any such activities in the future, the bail granted by this Court shall stand cancelled.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Dharapuram**, 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 petitioner shall stay at Coimbatore, and



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report before the C2- Race Course Police Station, Coimbatore, everyday at 10.30 a.m., and 05:30 p.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.



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Index : Yes/No
Speaking Order/Non Speaking Order
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SUNDER MOHAN, J.

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To

1. Inspector of Police,
Dharapuram Police Station,
Tiruppur.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Judicial Magistrate, Dharapuram.
4. The Superintendent of Prison, Central Prison, Coimbatore.

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