

CRL OP(MD). No.131 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.131 of 2025

Senthil Kumar

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Kurangani Police Station,
Theni.
(Crime No.46 of 2024)

... Respondent/Complainant

M.Palpandian

...Petitioner/Intervene/
Defacto Complainant

For Petitioner : Mr.A.V.Arun,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

For Intervenor : Mr.A.Uthaya Kumar,
Advocate



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

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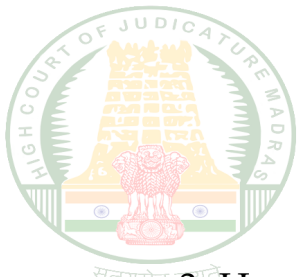
PRAYER :-

For Anticipatory Bail in Crime No. 46 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 115(2), 351(3), 308(5), 324(2) of BNS, 2023, in Crime No.46 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is a practicing advocate, is the owner of the mango grove. He is said to have given an oral lease to the petitioner for which the petitioner is supposed to pay a sum of Rs.1,90,000/-. This oral lease was for a period of 2 months. Out of the total amount, the petitioner paid only a sum of Rs.1 lakh and the balance amount was not paid. There was some dispute between the petitioner and the defacto complainant. The defacto complainant therefore cancelled the lease and the accused person is said to have trespassed into the mango grove and caused damage to the pipelines and when it was questioned by the defacto complainant, he was attacked and his gold chain and mobile phone were snatched. The defacto complainant was abused in filthy language and he was also threatened with dire consequences.



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

4. In the case in hand, there was a lessor/lessee relationship between the petitioner and the defacto complainant. The case of the defacto complainant is that a total amount of Rs.1,90,000/- was supposed to be paid by the petitioner on the oral lease that was granted for the period from 05.11.2024 to 14.01.2025. Out of this amount, only a sum of Rs.1 lakh was paid and the balance amount was not paid. Accordingly, after paying the advance amount, the defacto complainant permitted the petitioner only to pluck mangoes worth about Rs.45,000/-. Thereafter, the petitioner found that the defacto complainant had taken away all the mangoes and hence there was a dispute. The defacto complainant alleges that the petitioner caused damage to the water pipeline and also abused the defacto complainant in filthy language and took away gold chain and mobile phone.

5. The case in hand requires an investigation but, however, it may not require any custodial interrogation considering the relationship between the parties and considering the manner in which this incident had taken place. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Bodi, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

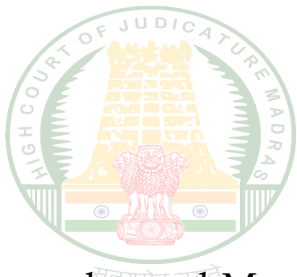
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m. for a period of 6 weeks and thereafter, as and when required.

[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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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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.

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

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TO

1. THE JUDICIAL MAGISTRATE, BODI,
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
 3. THE INSPECTOR OF POLICE,
KURANGANI POLICE STATION, THENI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.V.ARUN, Advocate (SR-259[I] dated 08/01/2025)

ORDER
IN
CRL OP(MD) No.131 of 2025
Date :07/01/2025

RK/SKN (22/01/2025) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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