



CRL OP(MD). No.2326 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Palanikumar

... Petitioner/ Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No. 43/2025

... Respondent/Complainant

For Petitioner : Mr. R.Russel Raj,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory bail in Crime No. 43 /2025 on the file of the Respondent Police



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita praying to grant an order of pre-arrest bail.

2. The petitioner/ sole accused apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 447, 379, 506(1) of IPC in Crime No.43 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 10.01.2025 at about 15.00 hours, due to property dispute, the petitioner herein entered into the defacto complainant's hospital and broke open the lock and took away the furnitures and pharmaceuticals worth about Rs.40,000/-. He also locked the hospital by using new lock and threatened the defacto complainant with the help of mercenaries. Hence, the complaint.

4. Mr.R. Russel Raj, the learned Counsel appearing for petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and due to the previous dispute, a false case has been foisted against the petitioner. Hence, he prays to grant pre-arrest bail to the petitioner.



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5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side), appearing for the respondent-police, submits that due to the property dispute, the petitioner herein entered into the defacto complainant's hospital and broke open the lock and took away the furniture and pharmaceuticals worth about Rs.40,000/- and also threatened with dire consequences. He therefore strongly opposes the grant of pre-arrest bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. Considering the nature of offence allegedly committed by the petitioner and also considering the relationship between the parties and considering the fact that the petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Eraniel, Kanyakumari



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District within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the above said Magistrate;

(ii) The petitioner shall appear and sign before the respondent-Police weekly twice till 14.03.2025 (i.e., on 17.02.2025, 21.02.2025, 24.02.2025, 28.02.2025, 03.03.2025, 07.03.2025, 10.03.2025, 14.03.2025) at 10.00 a.m., The petitioner shall thereafter, appear as and when required for interrogation.

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Eraniel, Kanyakumari District;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto



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complainant and witnesses and shall not tamper the evidence; and

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(vi) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
06/02/2025

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

TRP



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TO

1. THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
3. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2326 of 2025

Date :06/02/2025

RK/SKN/ SAR-2 (19/02/2025) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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