



CRL OP(MD) No.2653 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Manikandan

2.Ravichandran

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep. By the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.72 of 2025

... Respondent/Complainant

For Petitioners : Mr.C.Kishore

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.72 of 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 petitioners on 10.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioners/accused were arrested and remanded to judicial custody on 22.01.2025 for the alleged offences punishable under Sections 329(3) and 76 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.72 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that The petitioners are neighbors of the defacto complainant. The defacto complainant's husband is working abroad, and she is residing in the house belonging to him. Knowing this, the petitioners, with a mala fide intention, used to knock on the door of her house. On 20.01.2025, at about 05:00 p.m., when the defacto complainant was at home, the first petitioner disconnected the electricity by pulling out the fuse. Since the fan and lights were not working, the defacto complainant slept on the terrace of the house. In the midnight, i.e., 21.01.2025, at about 03:00 a.m., knowing the above facts, the second petitioner trespassed into the



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house and attempted to misbehave with her. On her alarming, the other neighbors arrived. On seeing them, the second petitioner fled. Hence the case.

4. Mr.C.Kishore, the learned counsel appearing for the petitioners, submits that the house in which the defacto complainant is residing belongs to the first petitioner, as per the settlement deed dated 17.10.2007. The first petitioner asked the defacto complainant to vacate the house. Hence, the defacto complainant filed a false complaint against the petitioners. He further submits that the petitioners have been in judicial custody since 22.01.2022. He therefore prays to grant bail to the petitioners.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that on 20.01.2025, the first petitioner disconnected the electricity connection to the house where the defacto complainant resides. The second petitioner trespassed into the defacto complainant's house and attempted to misbehave with her. He further submits that if bail is granted to the petitioners, they may cause a threat to the defacto complainant and commit similar offences against her. Accordingly, he prays to dismiss this Criminal Original Petition.



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

7. The petitioners were arrested on 22.01.2025 and are still in judicial custody. It appears that there is some property dispute between the defacto complainant and the first petitioner. The petitioners have no previous cases. Considering the facts that the petitioners have no bad antecedents and taking into account their period of incarceration since 22.01.2025, this Court is inclined to grant bail to the petitioners, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate, No.I, Padmanabhapuram;

(ii) 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, No.I, Padmanabhapuram shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(v) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioners shall furnish their residential address and mobile number to the concerned Judicial Magistrate;

(vii) The petitioners shall appear and sign before the learned Judicial Magistrate, No.I, Padmanabhapuram on all working days at 10.30 a.m., until further orders;

(viii) The petitioners shall not enter into the defacto complainant's house i.e., the



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property covered under the settlement deed dated 17.10.2007 [registered as Document No.3882/2007 on the file of the Eraniel Sub Registrar Office] or her workplace;

(ix) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, No.I, Padmanabhapuram is entitled to pass appropriate orders against the petitioners 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/-
17/02/2025

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17/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
PADMANABHAPURAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.KISHORE, Advocate (SR-1734[I] dated 17/02/2025)

ORDER
IN

CRL OP(MD) No.2653 of 2025
Date :17/02/2025

SS/SAR- /17/02/2025/ 7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023