



CRL OP(MD). No.2914 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. Kannan @ Kannan Esakki,
S/o Sankaralingam,
No. 10 Kannarkovil Mela Street,
Kalakkad,
Tirunelveli District.

2. Manikandan,
S/o Sankaralingam,
No. 10 Kannarkovil Mela Street,
Kalakkad, Tirunelveli District.

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No. 74/2025.

... Respondent/Complainant



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For Petitioners : Mr.C.Saravanakumar,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.74 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 13.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.1 & 2 were arrested and remanded to judicial custody on 28.01.2025 for the alleged offences punishable under Section 191(2) and 329(4) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 (TNPPDL) Act and subsequently altered into Section 329(4) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) act, 1992 (TNPPDL) Act, in Crime No.74 of 2025 on the file of the respondent-police.



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3. The case of the prosecution is that the petitioners are the defacto complainant's brother's sons. The defacto complainant constructed three shops on property jointly owned by the petitioners and the defacto complainant. The defacto complainant leased out two of the shops to individuals for running a tea shop and a watch shop. The defacto complainant is also running a shop. The petitioners own the land behind the shops and requested the defacto complainant to provide a pathway to access their land. However, the defacto complainant refused their request. Subsequently, the petitioners instructed the owners of the tea shop and the watch shop to vacate the premises, stating that they intended to demolish the shops. In response, the petitioners filed a complaint, which is currently under investigation. On account of this motive, when the defacto complainant arrived at the spot on 28.01.2025, at about 06:30 a.m., he noticed that the petitioners had demolished the shop using a JCB vehicle during the night hours. Hence, the complaint.

4. Mr.C.Saravanakumar, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution and due to the land dispute, a false case has been foisted against the petitioners. He further submits that the petitioners have been in judicial custody since 28.01.2025 and that they are ready to abide by any conditions to be imposed by this Court. Hence, he prays for granting bail to the petitioners.



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5. *Per contra*, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners and the defacto complainant are close relatives. He further submits that the alleged JCB vehicle has been recovered from the petitioners herein. He further submits that the value of the damages is worth about Rs.50,000/-. He vehemently opposes the grant of bail to the petitioners.

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

7. The petitioners were arrested and have been in judicial custody since 28.01.2025. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering fact that the petitioners are first offenders and there was property dispute between the petitioners and the defacto complainant and with a view to give an opportunity to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:



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(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, Nanguneri;

(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, Nanguneri, shall obtain a copy of any one of identity proofs to ensure their identity;

(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;



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

(vii) The petitioners jointly shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No.74 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Nanguneri. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.74 of 2025.

(viii) the petitioners shall appear and sign before the learned Judicial Magistrate, Nanguneri, on all working days at 10.30 a.m., until further orders;

(ix) The petitioners shall not enter into the house and the workplace of the defacto complainant; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Nanguneri is entitled to pass appropriate orders against the petitioner in



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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/-

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

TSG

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.



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WJB-610RM

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

ORDER
IN
CRL OP(MD) No.2914 of 2025
Date :17/02/2025

SS/SAR- /17/02/2025/ 8P/6C

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