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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD) No.3108 of 2025

1.Subramanian

2.Murugan

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No.36 of 2025).

... Respondent/Complainant

For Petitioners : Mr.R.Raghul,
Advocate.

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

For Intervener : Mr.C.Pradiesh



PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

For Bail in Crime No.36 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 17.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of bail.

2. The petitioners /Accused Nos.1 and 2 were arrested and remanded to judicial custody on 07.02.2025, for the offences punishable under Section 329(4) of Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a dispute regarding the properties, on 05.02.2025, when the defacto complainant, along with his elder daughter, was in their house, the petitioners, who are none other than the sons of the defacto complainant's brother, came there and threatened him to settle the properties in their favour, otherwise, they would demolish the house. The defacto complainant did not mind this, as usual. Later, when the defacto complainant and his elder daughter went to the temple, the petitioners entered the house, threw out the things, and demolished



the house using a JCB bearing Registration No.TN-76-AH-5251. Hence, the case.

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4. Mr.R.Raghul, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they are in no way connected in this case. He further submits that the petitioners and the defacto complainant are close relatives and due to property dispute, a false case has been foisted against the petitioners. He further submits that the petitioners have been in judicial custody from 07.02.2025. Hence, he prays to grant bail to the petitioners.

5. Mr.K.Sanjai Gandhi, learned counsel appearing for the respondent-police, submits that on 05.02.2025, at about 6:00 p.m., the petitioners trespassed into the defacto complainant's house and caused damage to the house amounting to Rs.90,000/-. He further submits that if this Court grants bail to the petitioners, the petitioner will cause threat to the defacto complainant and witnesses. Hence, he vehemently opposes to grant bail to the petitioners.

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

7. Today, the defacto complainant is present before this Court. This Court has interacted with the defacto complainant. During the interaction, the defacto complainant states that the matter has been amicably settled through the intervention of the elders and well-wishers of the family members, and he has no objection to allow this petition. It appears that there is a property dispute between the petitioners



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and the defacto complainant. Considering the same and also considering the statement of the defacto complainant and the relationship between the parties 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:

(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Shencottai;

(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, Shencottai, 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 not directly or indirectly cause threat to the defacto complainant and the witnesses;

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

(viii) The petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10:30 a.m., until further orders; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Shencottai, 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/-
25/02/2025

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25/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



apd
TO
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1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI.

2 DO THE CHIEF JUDICIAL MAGISTRATE,
TENKASI.

3 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

4 THE INSPECTOR OF POLICE,
ILLATHUR POLICE STATION,
TENKASI DISTRICT

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

+1 CC to M/s.R.RAGHUL, Advocate (SR-2058[I] dated 25/02/2025)

ORDER
IN

CRL OP(MD) No.3108 of 2025

Date :25/02/2025

NBF/SAR/ (25/02/2025) 6P/7C

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