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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3067 of 2025

1. Vanitha
2. R.Arun
3. Senthil @ Senthil Kumar
4. Vellaiammal

... Petitioners/ A1 to A4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ammaiyanaickanur Police Station,
Dindigul District.
Crime No. 21/2025.

... Respondent/ Complainant

For Petitioners : Mr.S. Ramasamy
Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)
For Intervenor : Mr.M.Viji

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.21 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 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

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2. The petitioners / A1 to A4 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 329(3), 296(b), 351(2) and 303(2) (NP) of BNS, 2023, in Crime No.21 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to property dispute, on 13.01.2025 at about 8.00 a.m. the petitioners herein along with others trespassed into the land belonging to the defacto complainant and tried to harvest the coconuts. When the same was questioned by the defacto complainant the petitioners herein have attempted to attack him, threatened him with dire consequences, and also abused him in filthy language. They also harvested and stolen more than 500 coconuts from the defacto complainant's land. Hence, the case.

4. Mr.S.Ramasamy, the learned counsel for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. He further submits that this is a case in counter and the counter case was registered in Crime No.298 of 2024 on the file of the respondent-Police. He further submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per Contra, Mr. M.Viji, the learned counsel for the intervenor, submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the life of the



defacto complainant and also his family members. Hence, he opposes to grant pre-arrest bail to the petitioners.

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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to property dispute between the parties the petitioners attempted to attack the defacto complainant, threatened him, abused in filthy language and also stolen more than 500 coconuts from the land of the defacto complainant's wife. Further submits that no one has sustained in the said occurrence. He further submits that the investigation of the case is pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant, his family members and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. It is learnt that the 1st petitioner has filed a suit in O.S.No.37 of 2025 on the file of the II Additional District and Sessions Judge, Dindigul for declaration of title and recovery of possession and permanent injunction. It is also seen that the defacto complainant is none other than the first petitioner's brother-in-law (her husband's brother). Further, it is a case in counter. The petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. In view of the nature of the dispute between the parties and in view of the relationship between the 1st petitioner and the defacto complainant, this Court is of the considered opinion that the custodial interrogation of the petitioners is not



necessary in this case. Hence, this Court is inclined to pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Nilakkottai, 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.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, Nilakkottai.

(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, Nilakkottai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police weekly twice ie., on every Monday and Friday at 10.00 am until further orders.

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(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 him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall also not directly or indirectly cause any threat to the



defacto complainant and witnesses and tamper with evidence.

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Nilakkottai.

(ix) The petitioners shall not enter into the defacto complainant's house, land and work place.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Nilakkottai or Trial Court, as the case may be, 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/-

18.03.2025

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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

trp



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1 THE JUDICIAL MAGISTRATE, NILAKKOTTAI.

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

3 THE INSPECTOR OF POLICE, AMMAIYANAICKANUR POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S. RAMASAMY.S Advocate SR.No.3035[I] Dated 18/03/2025

ORDER
IN

CRL OP(MD) No.3067 of 2025
Date :18/03/2025

RS (16/04/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing
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