



CRL OP (MD) No.4900 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4900 of 2025

Kumar @ Thavasikumar

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No. 134/2025

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.134 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/A3 was arrested and remanded to judicial custody on 28.02.2025 for the offences punishable under Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.134 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to a property dispute between A1 and the defacto complainant, on 23.02.2025, A1, along with two other accused persons, damaged the fencing on the land of the defacto complainant, worth about Rs.50,000/-. Hence, the complaint.

4. Mr.P.Saravanakumar, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioner. He further



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submits that there was a property dispute between the parties, and both the petitioner and the defacto complainant are adjacent landowners, and all belong to the same family. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side), appearing for the respondent-police, submits that there are totally three accused persons in this case, and that A1 and A2 were already granted pre-arrest bail by the learned Sessions Judge, Thirunelveli, subject to the condition that they deposit a sum of Rs.20,000/- each. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is enlarged on bail, he may abscond, cause threat to the defacto complainant, and delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 28.02.2025, and he has been in judicial custody. The petitioner has permanent residence and deep



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roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the nature of allegations made against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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 learned Judicial Magistrate, Radhapuram;

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

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Radhapuram;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Radhapuram, on all working days at 10:30 a.m., until further orders;



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

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner 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 or tamper with the evidence;

(viii) The petitioner shall not enter into the defacto complainant's residence or work place and shall also not try to contact the defacto complainant either directly or through any electronic mode;

(ix) The petitioner shall not directly or indirectly any threat to the defacto complainant and witnesses; and

(x) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate, Radhapuram 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/-
17/03/2025

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18/03/2025

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE
RADHAPURAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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

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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-2915[I] dated
17/03/2025)

ORDER

IN

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Date :17/03/2025

SS/SAR- /18/03/2025/ 7P/7C

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