



CRL.OP(MD). No.5092 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

PRESENT

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

CRL.OP(MD). No.5092 of 2025

1.Manikankandan

2.R.Elangovan

3.Saravanan Lingasamy

4.Selvamurugan Pandiyan

5.Pattatharasan

6.Ajith Kumar

7.Deiyam

... Petitioners / Accused Nos.1 to 7

**Vs.**

The State of Tamil Nadu rep by  
The Sub-Inspector of Police,  
Kadamalai Kundu Police Station,  
Theni District.

(Crime No.33 of 2025)

... Respondent / Complainant

**PRAYER :-** The Criminal Original Petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the  
petitioners in Crime No.33 of 2025 on the file of the respondent-police.

For Petitioners : Mr.S.Ramasamy,  
Advocate

For Respondent : Mr.K.Sanaji Gandhi,  
Government Advocate  
(Criminal Side)



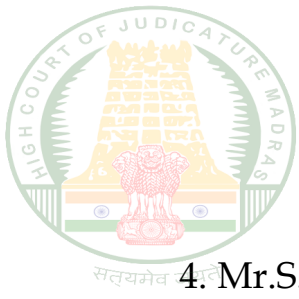
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**ORDER:** The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 18.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(3), 296(b), 351(2), 324(4) and 303 of BNS, 2023, in Crime No.33 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.02.2025, the Sub-Inspector of Police received a complaint from one R.Kannan, who is employed in managing the agricultural land of his employer, Justin Joseph, at Kadamalai Kundu, Theni District. According to the defacto complaint, on the same day at around 11:00 a.m., the first petitioner, along with his brother and ten others, allegedly trespassed onto the land and obstructed the work being carried out by the labourers. It is further alleged that the petitioners verbally abused the workers using filthy language and issued threats. At approximately 1:30 p.m. on 22.02.2025, the defacto complainant was informed of the incident. Upon reaching the land, he allegedly found that a CCTV camera worth Rs.50,000/- had been damaged and that tender coconuts worth Rs.50,000/- had been stolen. Additionally, the accused were allegedly in possession of lethal weapons such as knives and sticks. Hence, the case.



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4. Mr.S.Ramasamy, the learned counsel for the petitioners, submits that the first petitioner entered into an oral agreement with one Justin Joseph for the purchase of agricultural land and paid an advance amount of Rs.5,00,000/-. Upon payment, the first petitioner took possession of the land and invested nearly Rs.80 lakhs in developing a water source on the property. Subsequently, Justin Joseph began disturbing the first petitioner's possession of the land. As a result, the first petitioner filed a civil suit in O.S. No. 94 of 2021 before the District Munsif Court, Andipatti, seeking a permanent injunction. The suit is still pending adjudication. Meanwhile, Justin Joseph and his associates lodged a false complaint against the first petitioner and others at Kadamalai Kundu Police Station, leading to the registration of Crime No. 492 of 2021, dated 01.12.2021, for alleged offences under Sections 147, 148, 448, 342, 294(b), 427, and 506(ii) of the IPC. The petitioners further state that, in addition to Crime No. 33 of 2025, another case, Crime No. 38 of 2025, was registered against them on 03.03.2025 for alleged offences under Sections 191(2), 329(3), 296(b), 126(2), and 351(2) of the Bharatiya Nyaya Sanhita, 2023—all of which are bailable offences. This clearly reveals the real intention behind fabricating cases against the petitioners using political and financial influence. The petitioners assert that, since a civil case is pending between the first petitioner and Justin Joseph, a false criminal case has been fabricated to give the civil dispute a criminal colour. He further submits that the



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petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He, however, 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.K.Sanaji Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have been arrayed as Accused Nos.1 to 7. He further submits that there was a property dispute between the defacto complainant and the accused persons. Hence, custodial interrogation of the petitioners is necessary to unearth the truth. He further contends that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by the petitioners and taking note that there are no previous cases against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to



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grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

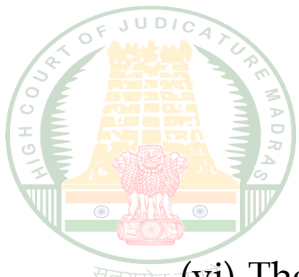
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Andipatti, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand 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, Andipatti.

(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 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 daily at 10.00 a.m., 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.



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(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

(viii) The petitioners shall not enter into the defacto complainant's house or his/her work place.

(ix) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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/-  
26/03/2025

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/04/2025  
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,  
Andipatti.

2. The Chief Judicial Magistrate,  
Andipatti.

3.The Sub-Inspector of Police,  
Kadamalai Kundu Police Station,  
Theni District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1. CC to M/S.RAMASAMY.S Advocate SR.No.3666(I) DT.28.3.2025

ORDER IN  
CRL OP(MD) No.5092 of 2025  
Date :26/03/2025

PP/SAR. /30.04.2025/7P/6C

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