



CRL OP (MD) No.5425 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5425 of 2025

Nagu,
S/o.Muthu,
No.990, Narputham,
Kuruthani Variyendhal Village,
Kalaiyar Koil Taluk,
Sivagangai District.

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
Crime No.124 of 2025

... Respondent/ Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate

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



CRL OP (MD) No.5425 of 2025

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

WEB COPY

PRAYER :- For Bail in Crime No.124 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 petitioner on 20.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 07.03.2025 for the offences punishable under Sections (*)329(2), 324(4), 303(1) and 191 (2) of BNS, 2023 in Crime No.124 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, in the year 1992, the defacto complainant purchased land in Survey No.151/15B from the father of the first accused through a sale deed and subsequently constructed a compound wall. At this juncture, a part of the adjacent land in Survey No.151/15A was acquired by the Government for the purpose of extending the public pathway/road. There was a dispute between the defacto complainant and A1 with regard to the said public pathway/road. The defacto complainant filed a suit in O.S.No.1 of 2024 against A1, A2, and the petitioner (A3) and others before the District Munsif Court, Sivagangai, seeking a declaration that a part of the land in Survey No.151/15A, from Kalayarkovil to Silukkapati, is a public pathway/road and for a permanent injunction, and the same is still pending.

In these circumstances, on 03.03.2025, the petitioner and other accused persons, with

<https://www.mhc.tn.gov.in/judis>



CRL OP (MD) No.5425 of 2025

WEB COPY

the help of the Head Surveyor and the revenue officials, surveyed the said land in Survey No.151/15A and fixed the boundaries without issuing notice to or obtaining the consent of the defacto complainant. Thereafter, the petitioner and others demolished the compound wall with the help of a JCB, causing damages worth about Rs.20 lakhs, and also committed theft of 52 bundles of groundnut belonging to the defacto complainant.

4. Mr.B.Santhanam Rajesh Kumar, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 07.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submits that in order to encroach upon A1's land, the defacto complainant made a false allegation against the petitioner and others. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner, along with other accused persons, trespassed into the land of the defacto complainant and caused damage to the wall and other buildings worth about Rs.3,00,000/-, and also committed theft of 52 bags of groundnut. He further submits that if bail is granted to



CRL OP (MD) No.5425 of 2025

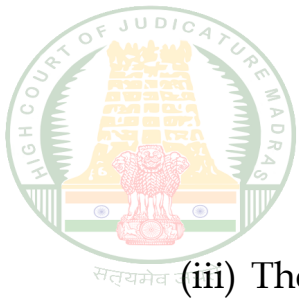
the petitioner, he may threaten the defacto complainant and witnesses, abscond, and cause delay to the investigation proceedings. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and considering the period of incarceration and the age of the petitioner, and taking note of the overt act of 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 No.I, Sivagangai, Sivagangai District;

(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 No.I, Sivagangai, Sivagangai District, shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP (MD) No.5425 of 2025

WEB COPY

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District;

(iv) The petitioner shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) at 10.30 a.m., and 05.00 p.m., until further orders;

(v) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.124 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate I, Sivagangai, Sivagangai District. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest-bearing Fixed Deposit in any 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.124 of 2025. The learned Judicial Magistrate/Trial Court shall pass orders qua entitlement of the said amount in its final order/judgment;

(vi) The petitioner shall not enter into the residence of the defacto complainant or his work place;

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

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

(ix) The petitioner shall not directly or i make any inducement, threat or



CRL OP (MD) No.5425 of 2025

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;

(x) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(xi) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.I, Sivagangai, Sivagangai District 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/-

24/03/2025

(*)Amended as per the order of this court dated 27.03.2025 and made in CRL MP(MD)No.4200 of 2025 in CRL OP(MD)No.5425 of 2025

/ TRUE COPY /

/03/2025

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

TSG

To be substituted to the order which is already despatched on 24.03.2025

<https://www.mhc.in.gov.in/judis>



CRL OP (MD) No.5425 of 2025

TO मेव जयते

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
KALAIYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 cc to Mr.B.Santhanam Rajesh Kumar, ADVOCATE, SR NO: 3567

ORDER IN
CRL OP(MD) No.5425 of 2025
Date :24/03/2025

SA/SAR. /24.03.2025/7P/6C

MK/SAR. /27.03.2025/7P/7C

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