



CRL OP (MD) No.6401 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Jeyakumar @ Jeyalani
@ JeyaLani Muhaideen

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Gangai Kondan Police Station,
Crime No.169/2025

... Respondent/Complainant

For Petitioner : Mr.Suresh.R.M,
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.169 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 03.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 14.03.2025 for the offences punishable under Sections 329(3) 296(b), 351(3) of BNS, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.169 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the President of Kattu Bava Pallivasal. The property in Survey Nos. 1472/1A and 1472/1B1B of Gangaikondal Village belongs to the Jamath. The allegation against the petitioner is that he is in illegal possession of a portion of the Waqf property, and eviction proceedings were initiated against him and his relatives in W.P.(MD) Nos. 12718 to 12721 of 2024, which were allowed by order dated 14.06.2024. In the meantime, on 10.03.2025, at about 07:10 p.m., the petitioner, along with other accused persons, trespassed into the Waqf property by breaking open the lock and attempted to



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damage the fencing. When a member of the Jamath intervened, the accused persons allegedly threatened him with dire consequences.

Hence, the complaint.

4. Mr.R.M.Suresh, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the property originally belongs to the petitioner's wife. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 14.03.2025. 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 there are totally seven accused persons in this case and that the petitioner has been arrayed as Accused No.1. He further submits that due to civil dispute existing between the petitioner and the defacto complainant, the petitioner along with other accused persons threatened the defacto complainant with dire consequences. He further submits that if bail is granted to the petitioner, he may cause threat to the defacto complainant and the witnesses. Accordingly, he strongly opposes to grant bail to the petitioner.



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6. This Court has considered the submission made on either side and perused the First Information Report.

7. In view of the allegation made in the First Information Report and the nature of dispute between the parties, this Court is of the view that further custody of the petitioner is not necessary for the investigating agency in this case. Considering the same, and also considering the fact that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding and taking note of the period of incarceration suffered by the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, 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 III, Tirunelveli;

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



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

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders;

(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 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 directly or indirectly cause any threat to the defacto complainant and the witnesses; and



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(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate III, Tirunelveli, 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/-

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

TSG

TO

1 THE JUDICIAL MAGISTRATE III
TIRUNELVELI

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



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3 THE OFFICER INCHARGE
SUB JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE,
GANGAI KONDAN POLICE STATION,

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

ORDER

IN

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Date :07/04/2025

SS/SAR- /07/04/2025/ 7P/6C

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