



CRL OP(MD). No.6947 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 25/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.Vajila,
W/o.Sundar raj

2.Kumari,
W/o.Arjunan

3.Nanthini,
W/o.Prathabsingh

4.Prema,
W/o.Vijian

5.Anslin Mary,
W/o.Jegan Elias

6.Sunitha,
W/o.Ayyapan

... Petitioners/ A1 to A6

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruvattar Police Station,
Kanniyakumari District.



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(Crime No.170 of 2025)

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... Respondent/Complainant

For Petitioners : Mr.Wins.T.,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.170 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2) of BNS, 2023 r/w. Section 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.170 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant owns 29 cents of land, which was acquired pursuant to a decree in A.S.No.17 of 2009. Thereafter, due to certain interference by the accused in the said property, the de-facto complainant obtained an order from this Court in CrI.O.P.(MD)No.11979 of 2023 for surveying



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the land with police protection. Pursuant to the said order, on 07.04.2025, the de-
facto complainant surveyed the land, constructed a compound wall at the rear side
of the property, and installed a gate at the front, all under police protection.
Subsequently, on 12.04.2025, at about 5.15 p.m., the accused persons, along with
some others, allegedly demolished the rear compound wall, causing a loss of
Rs.2,07,300/- to the de-facto complainant. Hence, the present case.

3. The learned counsel for the petitioners submitted that the de-facto complainant raised a compound wall and laid a big gate in front of the 1st accused's house, curtailing them from moving out of their house. When that was questioned by the petitioners, the de-facto complainant lodged the present false complaint as if the petitioners broken his compound wall. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there are totally six accused persons in this case. The accused persons had damaged the compound wall constructed by the de-facto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances of the case, and also taking note of the fact that the issue pertains to a civil dispute, and that as the date of occurrence is 12.04.2025, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand



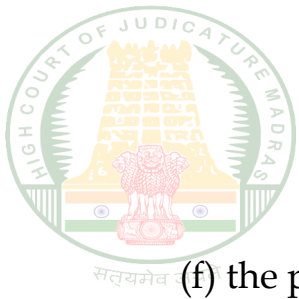
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only) each to the credit of the Crime No.170 of 2025 on the file of the respondent-
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police, before the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners and 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.170 of 2025. The Trial Court shall decide the entitlement to the deposit amount at the time of passing the final order or judgment.

(c) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
25/06/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn
TO

1.The Judicial Magistrate No.II,
Padmanabhapuram, Kanniyakumari District.

2. Do Through The Chief Judicial Magistrate,
Kanniyakumari District @ Nagercoil.

3.The Inspector of Police,
Thiruvattar Police Station,
Kanniyakumari District.

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



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WEB COPY +1. CC to M/S. WINS.T. Advocate SR.No.37569 (F) dated 26/06/2025

ORDER
IN

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Date :25/06/2025

HPS/07.07.2025 /7P/6C

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