



Crl.O.P(MD).No.7306 of

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) Nos.7306 and 7315 of 2025

M.Valathi

... Petitioner in
Crl.O.P(MD).No.7306 of 2025/ A1

P.Esakkipandi

... Petitioner in
Crl.O.P(MD).No.7315 of 2025/ A4

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
Crime No.222 of 2025

... Respondent in both Crl.O.Ps.
/Complainant

For Petitioner
in both Crl.O.Ps. : Mr.K.Karansingh
Advocate

For Respondent
in both Crl.O.Ps. : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

PETITIONS FOR BAIL Under Sec.483 of BNSS



COMMON PRAYER :-

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For Bail in Crime No.222 of 2025 on the file of the Respondent-Police.

COMMON ORDER : The Court made the following common order :-

These Criminal Original Petitions have been filed by the petitioners on 17.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/ Accused Nos.1 and 4 were arrested and remanded to judicial custody on 05.04.2025 and 08.04.2025 respectively for the offences punishable under Sections 296(b), 326(f) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.222 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a land dispute between one Ramesh and the defacto complainant, on 04.04.2025, at about 09:40 p.m., at the instigation of the said Ramesh, the petitioners herein trespassed into the house of the defacto complainant, damaged the glass items in the house and the Toyota Innova Crysta car belonging to the defacto complainant with sickle, and set fire to the said car by pouring petrol on it. When the defacto complainant attempted to prevent them, they threatened him with dire consequences. Hence, the complaint.



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4. Mr.K.Karansingh, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He further submits that they are willing to abide by any conditions that may be imposed by this Court and, to show their bona fides, they are ready and willing to deposit a sum of Rs.10,000/- each to the credit of Crime No.222 of 2025 before the Trial Court concerned. He also submits that the petitioners have been in incarceration since 05.04.2025 and 08.04.2025, respectively. Therefore, he prays for granting bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the damage caused is estimated to be around Rs.20,000/-. He further submits that the petitioner in Crl.O.P. (MD) No.7306 of 2025 has two previous cases, and the petitioner in Crl.O.P.(MD) No.7315 of 2025 has six previous cases. He also submits that the investigation in the case is still pending, and therefore, at this stage, if the petitioners are released on bail, they may abscond and cause threat to the defacto complainant and his family members, thereby delaying the investigation. Therefore, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

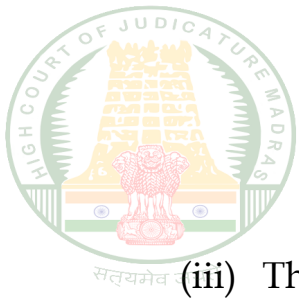


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7. The petitioners were arrested on 05.04.2025 and 08.04.2025, respectively, and have been in judicial custody since then. In view of the nature of the offences allegedly committed by the petitioners and considering the submission of the learned counsel for the petitioners that they are ready and willing to deposit a sum of Rs.10,000/- each, this Court is of the opinion that further custody of the petitioners is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration suffered by the petitioners and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of bail to the petitioners, however, subject to the following conditions:

(i) The petitioners shall execute a bond for 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 No.III, Thirunelveli.

(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.III, Thirunelveli shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.222 of 2025 before the learned Judicial Magistrate No.III, Thirunelveli, without prejudice to their rights and contentions before the Trial Court, and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties. On such deposit, the concerned Judicial Magistrate shall deposit the said amount in a fixed deposit scheme in any one of the Nationalized Banks for a period of one year, and thereafter, renew the same until the conclusion of the trial. The Trial Court shall pass an order qua entitlement of the said amount in its final order/judgment.

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Thirunelveli.

(v) The petitioners shall appear and sign before the respondent -Police daily at 10.00 am until further orders.

(vi) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vii) The petitioners shall not commit an offence similar to the offence of they are accused, or suspected, of the commission of which they are suspected.

(viii) 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



them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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(ix) The petitioners should not enter into the defacto complainant's residence and his work place until further orders.

(x) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall also not try to contact the defacto complaint either directly or through any electronic mode.

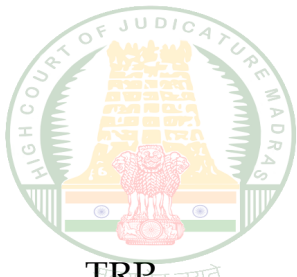
(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Thirunelveli, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, these Criminal Original Petitions are allowed subject to the conditions stated supra.

sd/-
22/04/2025

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/04/2025
Sub-Assistant Registrar (C.S.I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.O.P(MD).No.7306 of

TRP
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TO

1. THE JUDICIAL MAGISTRATE NO.III,
THIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP (MD) Nos.7306 and 7315 of 2025

Date :22/04/2025

PP//SAR-(23.04.2025) 7P 6C

Madurai Bench of Madras High Court is issuing
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