



CRL OP(MD)No.8690 of 2025

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

Date : 14.05.2025

PRESENT

The HONOURABLE MR. JUSTICE K.RAJASEKAR

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1.Santhana Durai @ Santhanadurai

2.Kumar

3.Sugunadevi @ Sugunadeevi

... Petitioners/
Accused Nos.1,2 & 4

Vs

The State represented by
The Inspector of Police,
Kodaikanal,
Dindigul District.
(Crime No.56 of 2025)

... Respondent/
Complainant

For Petitioners : Ms.N.Rekha

For Respondent : Mr.M.Karunanithi
Government Advocate(Crl Side)

Mr.Niranjana.S.Kumar
for Defacto complainant



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER:-

For Anticipatory Bail in Cr.No.56 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1,2 & 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 351(2) and 303 (2) of BNS, 2023 in Crime No.56 of 2025, seek anticipatory bail.

2.The case of the prosecution is that due to a property dispute between the parties, the petitioner along with other accused persons came to the house of the defacto complainant and broke the gate and taken away property worth about Rupees one Lakh and also damaged various properties. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel appearing for the defacto complainant would submit that already there are civil dispute between the parties and taking advantage of various civil orders, they are in possession of the property and on the date of occurrence they entered into the house of the defacto complainant and broken the gate and taken away some properties. He further submitted that CCTV footage clearly shows that they have involved in this kind of act and he also come



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forwarded to show the same before this Court through soft copy.

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5.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that there are totally 6 accused involved in this case. A3 was arrested and released on bail and the others accused persons were absconding. The first petitioner herein is also having two previous cases and the second petitioner herein is having one previous case and the investigation is still pending.

6.Considering the facts and circumstances of the case and also considering the fact that the arrested persons were released on bail, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions. As far as the first petitioner, he is having two previous cases, this Court is not inclined to grant Anticipatory Bail.

7.Accordingly, this Petition is partly allowed and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court II, Kodaikanal, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 Magistrate concerned and on further conditions that:



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(a)the petitioners 2 and 3 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 2 and 3 shall report before the respondent police daily at 10.30 am for two weeks;

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 shall not abscond either during investigation or trial;

(e)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 2 and 3 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;

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

sd/-
14/05/2025

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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- 1 THE JUDICIAL MAGISTRATE II,KODAIKANAL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, DINDIGUL, KODAIKANAL,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8690 of 2025
Date :14/05/2025

NBF/28.05.2025 5P/5C

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