

CRL OP(MD).No.9018 of 2025

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

Date : 13.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9018 of 2025

and

CRL MP(MD).No.6788 of 2025

1.Moorthi

2.Muthupandieswari

3.Murugan

... Petitioners / A1 to A3

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.74 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.74 of 2025
on the file of the respondent police.

For Petitioners : Mr.R.Suriya Narayanan,
Advocate

For Respondent : Mr.S.Prakash,

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



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Government Advocate
(Criminal Side)

For Intervener : Mr.P.Suresh,
Advocate

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 49, 189(2), 191(2), 329(3), 329(4), 351(3), and 303(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 , in Crime No.74 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that accused Nos.1 and 2 are husband and wife, and they are running a brick chamber adjacent to the property of the defacto complainant. The third accused is the manager of the said brick unit. Approximately fifteen days prior to the occurrence, the uncle of the defacto complainant questioned the brick manufacturing activities carried out by the third accused on the disputed land. Consequently, a land survey was initiated based on relevant applications. During the course of the survey, the second accused (A2) is alleged to have issued life threats to the defacto complainant. As a result, the defacto complainant lodged a



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complaint, which is currently pending enquiry as a petition. Subsequently, on 08.05.2025, at around 8:00 p.m., the petitioners, along with their workers, unlawfully trespassed into the property belonging to the defacto complainant and damaged the boundary fencing, causing a loss to the tune of Rs.2,00,000/-. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. He would further submit that the dispute arises from an earlier land sale agreement between the 1st petitioner and the defacto complainant's late father, Muthuselvam, who had received an advance of Rs.2,00,000. After his death, the first petitioner attempted to complete the sale through the defacto complainant, who refused, leading the first petitioner to proceed with Mahalakshmi, a co-owner. In retaliation, the defacto complainant filed a false case. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that there are totally three accused persons in this case and the petitioners have been arrayed as A1 to A3. He would further submit that the accused persons unlawfully



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trespassed into the property belonging to the defacto complainant and damaged the boundary fencing, causing a loss to the tune of Rs.2,00,000/-. He would further submit that the A1 has nine previous cases registered against him, whereas the A2 and A3 have no previous criminal antecedents. He would also submit that the investigation is still pending, and therefore, he strongly opposes the grant of anticipatory bail to the petitioners at this stage.

5. The learned counsel for the defacto complainant would submit that the accused persons, along with five unidentified persons, unlawfully trespassed into the property of the defacto complainant, willfully destroyed the newly erected iron barbed wire fence, and caused damages to the extent of Rs.2,00,000/-. He would further submit that the lock of the house situated within the said survey area was forcibly broken and damaged. In view of the seriousness of the allegations, he strongly opposes the grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the objections raised by the the learned Government Advocate (Criminal Side) and taking note that there is no eye witnesses to the alleged incident, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



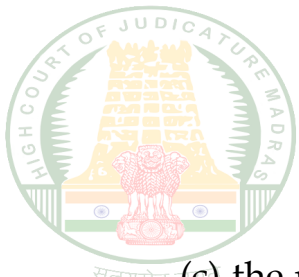
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7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Kamuthi, Ramanathapuram District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Judicial Magistrate, Kamuthi, Ramanathapuram 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 furnish their residential address and mobile number to the learned Judicial Magistrate, Kamuthi, Ramanathapuram District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Kamuthi, Ramanathapuram District.



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(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of ten days and thereafter, as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioners shall not abscond either during investigation or trial.

(f) 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].

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

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, the connected miscellaneous petition is closed.

sd/-
13/06/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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**PAL
TO**

1.THE JUDICIAL MAGISTRATE,
KAMUTHI,
RAMANATHAPURAM DISTRICT.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.R.SURIYA NARAYANAN, Advocate (SR-6279[I] dated 13/06/2025)

ORDER

IN

CRL OP(MD) No.9018 of 2025

AND

CRL MP(MD).No.6788 of 2025

Date :13/06/2025

HPS/26.06.2025 /7P/6C

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