



CRL OP(MD). No.10101 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 25.06.2025

Pronounced on : 17.07.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10101 of 2025

and

CRL MP(MD). No.8071 of 2025

Santhana Durai @ Santhanadurai,
S/o.Pandi

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.56 of 2025)

... Respondent/ Complainant

For Petitioner : Ms.N.Rekha,
Advocate

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

For Intervenor : Mr.Chakkaravarthi.B,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.56 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner/A1, who apprehends 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 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a property dispute between the parties, the petitioner, along with other accused, went to the house of the de-facto complainant and broke open the gate, took away property worth about Rs.1,00,000/-, and also damaged certain other properties. Hence, the case.

3. The learned counsel for the petitioner submitted that this is the second anticipatory bail application filed before this Court. The petitioner is an innocent person and has not committed any offence as alleged by the prosecution. Due to a pathway dispute between the parties, the de-facto complainant had forcefully erected a gate on the disputed pathway, thereby restricting access to the adjacent landowners. She further submitted that a civil suit is pending between the parties in O.S.No.20 of 2019 on the file of the Sub Court, Kodaikanal. She, however, submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, she seeks anticipatory bail to the petitioner.

4. The learned counsel for the intervenor submitted that on the date of occurrence, the accused persons entered the de-facto complainant's house, broke



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open the gate, and took away certain properties, including the gate. He submitted that the petitioner/A1 has been attempting to encroach upon the land in Survey No.8, which is classified as Government land. As there is no access to the said land, the petitioner allegedly attempted to obtain a pathway through the de-facto complainant's patta land in Survey No.9/2. He further submitted that the petitioner has been continuously threatening the de-facto complainant with dire consequences, and that there are five previous cases registered against him, indicating that he is a habitual offender. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) submitted that there are totally six accused persons in this case and the petitioner has been arrayed as A1. A3 was arrested and subsequently released on bail. A2 and A4 have been granted anticipatory bail by this Court. He further submitted that the properties have been recovered. However, he opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, and taking note of the fact that the issue pertains to a civil dispute, and that one of the co-accused has been arrested and released on bail, and two of the co-accused have been granted anticipatory bail by this Court, and that as the properties have already been recovered, the custodial interrogation of the petitioner is not necessary at this stage,



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and that as the date of registration of F.I.R. is 21.02.2025, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his 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, Kodaikanal on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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, Kodaikanal and on further conditions that:

(a) the petitioner 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 petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Kodaikanal. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.II, Kodaikanal;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m.,



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until further orders;

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(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

8. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

17.07.2025

// True Copy //

/ /2025

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court



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TO
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1.The Judicial Magistrate No.II,
Kodaikanal.

2. To Through: The Chief Judicial Magistrate,
Dindigul.

3.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

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

+1 CC to M/s.B. CHAKKRAVARTHY, (SR- 7747 [I] dated 17 / 07/2025)

Pre-Delivery order made
IN
CRL OP(MD) No.10101 of 2025
and
CRL MP(MD). No.8071 of 2025

Date : 17/07/2025

RA - (23.07.2025) 6P/ 6C

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