



CRL OP(MD). No.10168 of 2025

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

Date : 25/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10168 of 2025
and
CRL MP(MD). No.7924 of 2025

1.Panchavarnam,
W/o.Karthick

2.Valachinnu,
S/o.Periyakaruppan

3.Muthukumar,
S/o.Valachinnu

... Petitioners/ A2, A3 & A5

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Watrap Police Station,
Watrap, Virudhunagar District.
(Crime No.116 of 2025)

... Respondent/Complainant

For Petitioners : Mr.Thirunavukkarasu M,
Advocate

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

For Intervenor : Mr.M.Jothi Basu,
Advocate



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.116 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2, A3 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(4), 296(b), 324(2), 351(2) and 305 of BNS, 2023 r/w. Section 4 of TNPHW Act in Crime No.116 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 05.10.2009, the de-facto complainant took on lease three shops belonging to the 1st accused by paying a lease amount of Rs.7,00,000/-, for which a lease deed was also registered between them. Additionally, the de-facto complainant gave a hand loan of Rs.16,00,000/- to the 1st accused. After the lease period expired in the year 2014, the de-facto complainant demanded repayment of both the lease amount of Rs.7,00,000/- and the loan amount of Rs.16,00,000/-. As the 1st accused delayed the repayment, the de-facto complainant filed three civil suits in O.S.Nos. 261, 262, and 263 of 2016 on the file of the Sub Court, Srivilliputhur, which were decreed in his favour. Thereafter, the de-facto complainant continued to run the shops. On 31.03.2025, when the de-facto complainant was not present at the shop, the accused persons trespassed into the



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premises, pushed down the de-facto complainant's mother, abused her using filthy language, damaged two name boards, and stole goods worth approximately Rs.1,17,000/- from the shop. Hence, the present case.

3. The learned counsel for the petitioners submitted that the 1st petitioner/A2 is the wife of the 1st accused, the 2nd petitioner/A3 is the brother of the 2nd accused, and the 3rd petitioner/A5 is the son of the 3rd accused. The petitioners have not involved in any offences as alleged in the prosecution. They have been falsely implicated in this case. He further submitted that the alleged date of occurrence is 31.03.2025, whereas the complaint was lodged only on 08.05.2025. If the alleged incident had actually taken place, the de-facto complainant would have preferred the complaint immediately after the occurrence. Hence, he seeks anticipatory bail for the petitioners.

4. The learned counsel for the intervenor submitted that when the de-facto complainant demanded the lease amount as well as the hand loan amount from the 1st accused, after the completion of the lease period, the 1st accused failed to repay the said amounts. Further, on 31.03.2025, the accused trespassed into the shop, assaulted the de-facto complainant's mother, and stole properties worth about Rs.3,00,000/-, which have not yet been recovered. He further submitted that custodial interrogation of the accused is very much necessary in this case. Hence, he



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opposed to grant anticipatory bail to the petitioners.

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5. The learned Government Advocate (Criminal Side) submitted that the issue pertains to a civil dispute, and no one sustained any injuries. He further submitted that A1 and A4 were arrested and subsequently released on bail. However, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, and also taking note of the fact that this is a case of civil dispute, and that no one sustained any injuries due to the incident, and that the co-accused have already been arrested and released on bail, and that the occurrence took place on 31.03.2025, but the present F.I.R. came to be lodged only after a delay of nearly one and a half months, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

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 learned District Munsif cum Judicial Magistrate, Watrap 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 District Munsif cum Judicial Magistrate, Watrap and on further conditions that:



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(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 District Munsif cum Judicial Magistrate, Watrap. In the event of any change in their residential address, the petitioners shall report the same to the learned District Munsif cum Judicial Magistrate, Watrap;

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

(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]; and;

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



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8. Accordingly, this Criminal Original Petition is allowed. Consequently, the
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sd/-
25/06/2025

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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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TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
WATRAP.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE,
WATRAP POLICE STATION,
WATRAP,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to THIRUNAVUKKARASU M Advocate SR.No.6746 (I) DT.25/06/2025

+1. CC to G.M.LAW OFFICE Advocate SR.No.6818 (I) DT.26/06/2025



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ORDER
IN
CRL OP(MD) No.10168 of 2025
Date :25/06/2025

NM/08.07.2025/ 7P/7C

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