



CRL OP(MD)No.11172 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD)No.11172 of 2025

and

CrI.M.P(MD)No.9815 of 2025

1.Sahayaraj

2.Selvam

3.Nandhakumar @ Dayananthan

:Petitioners/ A1 to A3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirupparangundram Police Station,
Madurai City.

(Crime No.335 of 2025)

: Respondent/ Complainant

For Petitioners : Mr.R.Aravindan,
Advocate

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

For Intervenor : Mr.I.Irulappan,
Advocate.



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS.

PRAYER :-

For Anticipatory Bail in Crime No.335 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 192, 329(3), 296(b), 351(2) of BNS 2023 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992, in Crime No.335 of 2025 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 17.09.2008, the defacto complainant purchased the properties in Plot.No.2 and 32 in S.C.No.332/1A and 332/1B for an extent of 1 Acre and 17 cents from one Rajkumar as unregistered sale and doing repair work by spending more than Rs.70,00,000/- and running metal shop in the name of M/s.R..Metal and after the demise of said Rajkumar, the first petitioner, who is having power deed in his favour from the wife of Rajendran and his daughter Shalini Andress attempted to vacate the defacto complainant along with his henchmen in the year 2024. Further, suit in O.S.No.116 of 2024 came to be filed for permanent injunction and the same was dismissed, against which, the defacto



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complainant is taking steps to file an appeal. In the meantime, on 25.06.2025, while the employees were doing the work in the godown, the petitioners along with one Advocate Karthikeyan attempted to demolish the godown by using JCB. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that after the demise of aforesaid Rajkumar, the legal heirs of the said Rajkumar executed a power deed in favour of the first petitioner. The RDO, Thirumangalam, has conducted enquiry and held that the legal heirs of the deceased Rajkumar are having title over the property and the defacto complainant had made encroachment and directed him to remove the same on or before 24.09.2024. Against which, the defacto complainant filed a revision in Crl.RC (MD)No.902 of 2024 and the same was allowed by setting aside the order of RDO, Thirumangalam, dated 24.08.204 and directed the trial Court to complete the trial and dispose of the suits filed by the defacto complainant within four months. He further submitted that it is purely civil dispute. The petitioners are ready and willing to abide any conditions that may be imposed by this Court. Hence, they seek anticipatory bail.



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4.The learned counsel for the intervenor submitted that the defacto complainant is in possession and enjoyment of the petition mentioned property from 2008. The defacto complainant purchased the property from one K.S.Rajkumar and fixed sale consideration of Rs.10 lakhs. Out of which, he has paid Rs.8,30,000/-. The defacto complainant has been conducting his scrap business in the name of R.K.Metals. Therefore, the defacto complainant has spent several lakhs for promoting the land according to his business. After demise of the said Rajkumar, the first petitioner says that he is the power agent of the said Rajkumar and gave troubles to the defacto complainant to vacate the property. On 25.06.2025, while the employees were doing the work in the godown, the petitioners along with one Advocate Karthikeyan attempted to demolish the godown by using JCB and caused loss of Rs.5 lakhs. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) for the respondent police submitted that there was a civil dispute between the petitioners and the defacto complainant, due to which, on 25.06.2025, while the employees were doing the work in the godown, the petitioners have trespassed into the defacto complainant's property and demolished the compound wall by using JCB and caused damages. He further submits that the value of the property is worth about Rs.5 lakhs and on one was injured in this incident. The first petitioner is having one previous case.



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However, he opposed to grant anticipatory bail.

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6. Considering the facts and circumstances of the case and also the facts that no one was sustained injury in this incident, and the occurrence had taken place on 25.06.2025, by this time most of the investigation might have been completed, 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 Judicial Magistrate No.VI, Madurai, 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 learned Judicial Magistrate No.VI, Madurai, 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 deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of Crime No.335 of 2025 on the file of the learned



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Judicial Magistrate No.VI, Madurai, and on such deposit being made, the learned Judicial Magistrate No.VI, Madurai shall accept the sureties furnished by the petitioners and the amount deposited by the petitioners shall be kept in fixed deposit and the entitlement of the amount shall be decided at the disposal of the main case.

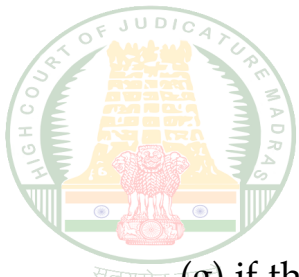
(c) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.VI, Madurai. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.VI, Madurai;

(c) the petitioners shall appear and sign before the respondent police daily at 10.00 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;



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(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023. Consequently, connected Miscellaneous Petition is closed.

sd/-
31/07/2025

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

das

TO

1 The Judicial Magistrate No.VI,Madurai.

2 Do Through the Chief Judicial Magistrate, Madurai District.

3 The Inspector of Police,
Thirupparangundram Police Station,
Madurai City.

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

ORDER
IN
CRL OP(MD) No.11172 of 2025
Date :31/07/2025

AS/20.08.2025/7P/5C

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