



CRL MP(MD) No. 9952 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM

THE HONOURABLE Dr JUSTICE R.N.MANJULA

CRL MP(MD) No. 9952 of 2025

in

CRL A(MD) No.809 of 2025

1.Antonyligori

2.Sabeendran

... Petitioners/ Appellants

Vs

The State of Tamil Nadu

Rep., by The Inspector of Police,

Eraniel Police Station, Kanyakumari District.

... Respondent

For Petitioner(s):

Mr.D.Venkatesh for

Mr.A.Mohamedhaneef

For Respondent(s):

Mr.K.Gnanasekaran

Government Advocate (Crl.side)

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed on the petitioners by the learned Additional District and Sessions Judge, Padmanabhapuram, in S.C.No.19 of 2012, dated 05.06.2025 and enlarge them on bail pending disposal of the appeal.

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



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2. The petitioners are A1 and A3. A1 has been convicted for the offences punishable under Sections 448, 325, 506(1) IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992. A3 has been convicted for the offence punishable under Sections 448, 323, 506(1) IPC and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

3. The case of the prosecution is that on 02.10.2010, at about 07.00 p.m., when the defacto complainant was standing near his car, a group of persons trespassed into his compound and launched a brutal physical assault on him. During that course, they also damaged his car. The motive for the occurrence is because the defacto complainant refused to give his daughter in marriage to the family of A1.

4. The learned counsel appearing for the petitioners submitted that there is a delay in lodging the complaint but the Trial Court has not dealt the above point seriously; the contradictions in the evidence of prosecution side witnesses have been omitted; the car and bike which are said to have been damaged were not public properties and hence the provision under Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 will not apply to the facts of the case.



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5. It is not the case of the prosecution that the properties of the defacto complainant has been damaged in pursuant to any communal clash or other public violence. But, it was during a quarrel between A1 to A3 and the defacto complainant. Reference made to the Objects and Reasons of Tamil Nadu Property (Prevention of Damage and Loss) Act would show that 1994 amendment has been brought to protect the private persons by granting compensation to the loss caused to private properties during procession, assembly, meeting, agitation, demonstration or other activities organized by political parties, communal parties, etc.

6. The learned Government Advocate (Crl.side) appearing for the State submitted that the Hon'ble Division Bench of this Court in the case of Mangalanatha Durai Vs., State in Crl.R.C(MD).No.869 of 2022 dated 08.06.2023 has held that a different interpretation cannot be given by reading the Object and Reasons of the Act when the unambiguous expression used in the provision includes damage to the private property also. But these contentious points can be dealt effectively when the appeal is heard.

7. As the appeal has already been admitted and by taking into consideration of



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the fact that the criminal appeal is not likely to be taken up for final hearing in the near future, I feel the sentence against the accused can be suspended and they can be enlarged on bail with certain conditions.

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8. Accordingly, this Criminal Miscellaneous Petition is allowed. The substantive part of the sentence of imprisonment alone is suspended and the petitioners are enlarged on bail on the following conditions:

- i. 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 learned Additional District and Sessions Judge, Padmanabhapuram;
- ii. that the petitioners shall appear before the said Court once in a month (i.e., on the first working day of every English Calender month) at 10.30 a.m. till the disposal of appeal.

sd/-
21/08/2025

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/09/2025

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



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To

1. The Additional District and Sessions Judge,
Padmanabhapuram.

2. The The Inspector of Police, Eraniel Police Station,
Kanyakumari District.

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

+1 CC to M/s.A.MOHAMEDHANEFF, Advocate (SR-9099[I] dated 22/08/2025)

ORDER
IN
CRL MP(MD) No. 9952 of 2025
in
CRL A(MD) No.809 of 2025
Date :21/08/2025

PR/01.09.2025 5P/5C

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