



CRL OP(MD). No.12493 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12493 of 2025

P.Mahendran,
S/o.G.Pethanasamy

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.176 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.G.Prabhu Rajadurai,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.176 of 2025 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 329(3), 324(4) and 351(2) of BNS, 2023 in Crime No.176 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.06.2025, while the de-facto complainant was constructing a compound wall on his land, the petitioners, along with other accused, trespassed onto the property and prevented the labourers from carrying out the construction work. Subsequently, on 12.06.2025, at about 9.30 p.m., the petitioners and the other accused again trespassed into the de-facto complainant's property, threatened him, and also damaged the property. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a senior citizen, aged about 62 years. Due to existing civil dispute between both the petitioner and the de-facto complainant, the de-facto complainant has lodged the present false complaint against the petitioner. He submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He, however, submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.



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4. The learned Government Advocate (Crl. side) submitted that the issue pertains to a civil dispute. There are totally three accused persons in this case and the petitioner has been arrayed as A1. A2 and A3 are still absconding. He further submitted that no one sustained any injuries due to the incident. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, the nature of the offence, and also taking note of the fact that the issue pertains to a civil dispute, and that no one sustained any injuries due to the incident, and that the date of occurrence is 12.06.2025, but the FIR came to be registered only on 17.07.2025, and that by this time the material part of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Theni, failing which, the petition for anticipatory bail



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shall stand dismissed and on further condition that:

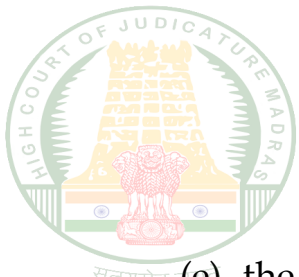
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(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Theni. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate, Theni;

(c) the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Crime No.176 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Theni, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner and learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.176 of 2025. The Trial Court shall decide the entitlement to the deposit amount at the time of passing the final order or judgment.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;



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

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

sd/-
25/07/2025

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

mkn

TO

1 The Judicial Magistrate,
Theni.

2 Do Through the Chief Judicial Magistrate,
Theni District.

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



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3 The Inspector of Police,
Allinagaram Police Station,
Theni District.

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

ORDER
IN
CRL OP(MD) No.12493 of 2025
Date :25/07/2025

AS/28.08.2025/6P/5C

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