



CRL OP(MD)No.12935 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL OP(MD)No.12935 of 2025

1.R.Gandhi

2.R.Kathirvel

3.Mahalakshmi

4.Revathi

: Petitioners/ A1 to A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No.249 of 2025)

: Respondent/ Complainant

For Petitioners : Mr.R.Murugan,
Advocate

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

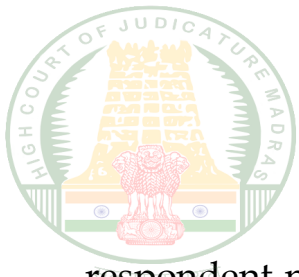
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS.

PRAYER :-

For Anticipatory Bail in Crime No.249 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the



CRL OP(MD)No.12935 of 2025

WEB COPY

respondent police for the offences punishable under Sections 296(b), 351(2) and 303 (2) of BNS, in Crime No.249 of 2025 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property situated in Survey Nos.399/9 and 397/3, having purchased the same from one Gandhi and others in the year 2002. Since then, he has been in possession and enjoyment of the said property. With an intention to grab the said property, the petitioners, along with other accused persons, trespassed into the property, caused damage to various items in the field, and instigated a quarrel with the workers employed therein and a notice board valued at Rs.8,000/-, which had been installed in the field, was reportedly uprooted by the petitioners during the night hours. Subsequently, on 06.08.2025, the petitioners 1 and 2 allegedly waylaid the defacto complainant, abused him in filthy language and threatened him with dire consequences. Based on which, the present complaint has been lodged.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The defacto complainant is not owner of the property and one Rajammal mother of the petitioners 1 to 3 was the owner of the property. The said Rajammal executed an unregistered Will, dated 31.03.1997 in favour of her daughters Sarathamani



CRL OP(MD)No.12935 of 2025

W/o.Nāgaraj and Mahalakshmi W/o.Ganesan/3rd petitioner herein. The fourth
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petitioner is the daughter of the said Sarathamani. He further submits that the
petitioners are ready and willing to abide any conditions that may be imposed by
this Court and seek anticipatory bail.

4. The learned Government Advocate (Criminal Side) for the respondent police
submits that there was a property dispute between the parties, due to which, the
petitioners entered into the defacto complainant's property and caused damages to
the things. He further submits that no one was injured in this incident and the
investigation is pending. However, he opposed to grant anticipatory bail to the
petitioners.

5.Considering the facts and circumstances of the case and also the facts that it
appears to be a civil dispute between the parties and no one was injured in this
incident and the occurrence had taken place on 08.06.2025, 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.

6.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, Theni, on
condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD)No.12935 of 2025

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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 Judicial Magistrate, Theni 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 furnish their residential address and mobile number to the learned Judicial Magistrate, Theni. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Theni;

(c) the petitioners 1 and 2 shall report before the respondent police daily at 10.30 a.m., and the petitioners 3 and 4 shall report before the respondent police weekly once (ie., on every Sunday) 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



CRL OP(MD)No.12935 of 2025

by the learned Magistrate/Trial Court himself as laid down by the Hon'ble
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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.

sd/-
05/08/2025

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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, Theni.

2.The Inspector of Police,
Palanichettypatti Police Station,
Theni District.

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-8422[I] dated 05/08/2025)

ORDER IN
CRL OP(MD) No.12935 of 2025
Date :05/08/2025

SBN/29.08.2025 5P/5C

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