



*Crl.O.P.(MD)No.19457 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05.11.2025

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.19457 of 2025

Kumaresan

... Petitioner/Accused

Vs

The State of Tamil Nadu,  
Rep By, The Inspector of Police,  
CCB Madurai City Police Station,  
Madurai District.  
(Crime No.47 of 2025)

... Respondent/Complainant

For Petitioner : Mr.H.Lakshmi Shankar  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

For Intervenor : Mr.S.Maya Perumal

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.47 of 2025 on the file of the respondent police.



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**ORDER :** The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 09.10.2025 for the offences punishable under Sections 465, 467, 468 and 471 of IPC, in Crime No.47 of 2025 on the file of the respondent police, seeks bail.

2. The prosecution's case is that there was a pending civil dispute between the petitioner and the de facto complainant, as a result of which, the petitioner fabricated documents, incited communal riots, posted notices, and grabbed the property of the de facto complainant. Hence, the complaint.

3. The learned Counsel appearing for the petitioner submitted that one Rajkumar, who is the owner of the properties in Survey No.332/1A1A and 332/1B1A Plot Nos 27 and 32, measuring 1 acre 30 cents. According to the petitioner, he had entered into the sale agreement with one Rajkumar and fixed the sale consideration as Rs 10 Lakhs and the petitioner had already paid a sum of Rs.8,30,000/-. Unfortunately, the said Rajkumar died and his legal heirs are not available. The defacto complainant claimed to have entered into sale agreement with the legal heirs of the said Rajkumar. When there was dispute between the parties, civil suit was filed by the petitioner and the same was



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dismissed. Against which the petitioner had preferred appeal. Pending appeal, based on the dismissal of suit, the defacto complainant had trespassed into the petitioner's property and ransacked the shed and damaged other articles.

4. The learned counsel for the petitioner further submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 09.10.2025. Hence, he seeks bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that there are three previous cases pending against the petitioner. However, he opposed for grant of bail to the petitioner. But the petitioner submitted that the said three cases arises for the same dispute between the petitioner and the defacto complaint.

6. It is seen that the suit filed by the petitioner was dismissed and the petitioner had filed an appeal and the same is pending. In the meanwhile, the defacto complainant had tried to dispossess the petitioner without filing an execution petitioner that too by unlawful means. The defacto complainant had



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engaged a group of Advocates and trespassed into the petitioner's property, had intimidated the petitioner, ransacked the shed and damaged other articles. Thereby the advocates had taken the law in their own hands. The advocates are duty bound to protect the law but here the advocates had taken the law into their own hands. It is shocking to see the pictures in which the Advocates are standing in the place and giving protection for ransacking the shed and articles.

7. Taking into consideration of the facts and circumstances of the case and also consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on executing 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 learned Judicial Magistrate No.1, Madurai, and on further conditions that :-

[a] 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.



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**[b] the petitioner shall appear before the respondent police as and when required for interrogation.**

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

9. It is seen that the petitioner had submitted a complaint against the defacto complainant and the advocates, but the respondent police has not investigated the said complaint. Therefore, this Court directs the respondent police to investigate the said complaint and submit a report before this Court. The Commissioner of Police, Madurai, is directed to monitor the case and



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report before this Court.

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10. The Bar Council is directed to initiate action against the Advocates who were standing in the place of occurrence.

11. Post the matter on 26.11.2025.

(S S Y J)  
05.11.2025

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To

1. The learned Magistrate No.1, Madurai.
2. The Superintendent, Central Prison,  
Madurai.
3. The Commissioner of Police,  
Madurai.
4. The Inspector of Police,  
CCB Madurai City Police Station,  
Madurai District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
6. The Bar Council  
Tamil Nadu and Pucherry.

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**S.SRIMATHY,J.**

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ORDER  
IN  
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