



CRL OP(MD). No.1834 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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1.Azhiya Natchiyar
2.T.Rajendran
3.Vellaisamy

... Petitioners / A1 to A3

Versus

1.The State of Tamilnadu,
Rep by the Sub-Inspector of Police,
Appanthiruppathi Police Station,
Madurai District.
(Crime No.166 of 2025)

2.Sannath Banu
(2nd Respondent is suo motu impleaded vide
order of this Court dated 02.02.2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.166 of 2025 on the file of the respondent police or on their appearance.

For Petitioners : Mr.R.Venkatesan
for M/s.Right Law Associates



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For R1 : Mr.P.Kottai Chamy,
Government Advocate
(Criminal Side)

For R2 : M/s.S.Malaikani

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police in Crime No.166 of 2025 for the offences punishable under Sections 329(4), 324(4) and 303(2) of the Bharatiya Nyaya Sanhita, 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners allegedly trespassed into the house of the defacto complainant, committed theft of about one and a half sovereigns of gold jewels and other household articles, and also caused damage to the property. Based on the complaint, the respondent police registered a case in Crime No.28 of 2026 for the aforesaid offences.

3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case. According to



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him, the defacto complainant had taken the property on lease from the petitioners on a monthly rent of Rs.4,000/-. It is further submitted that the defacto complainant failed to pay the rent and vacated the premises after locking it. In order to safeguard the property, the petitioners entered the premises. It is also submitted that there exists a dispute regarding a lease amount of Rs.5,00,000/- between the parties and that civil proceedings for eviction are already pending before the competent Court. Hence, the dispute is purely civil in nature and has been given a criminal colour. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. *Per contra*, the learned counsel for the defacto complainant submitted that the petitioners had received a sum of Rs.5,00,000/- as advance and executed a lease deed, but are now denying the same. It is further alleged that the petitioners unlawfully trespassed into the house and committed theft of some articles. Hence, he strongly opposed the grant of anticipatory bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of anticipatory bail to the



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petitioners and reiterated the allegations made by the defacto complainant. He further submitted that though the matter was referred for mediation, no settlement could be arrived at. He also brought to the notice of this Court that previous cases are pending against the petitioners. Therefore, he strongly objected to the grant of anticipatory bail to the petitioners.

6. This Court heard the learned counsel on either side and perused the materials placed on record.

7. Considering the facts and circumstances of the case and on a perusal of the materials available on record, it is seen that the dispute between the parties primarily relates to a landlord–tenant/lease transaction. Admittedly, civil proceedings are pending between the parties. The allegations arise out of the said property dispute. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioners, subject to conditions.



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8. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order made ready, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs. 10,000/-(Rupees 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 Magistrate concerned 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 appear and sign before the respondent police daily at 10.30 a.m. for a period of fifteen (15) days and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during



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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 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

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

12.03.2026

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To

- 1.The Judicial Magistrate No.V,
Madurai.
- 2.The Sub-Inspector of Police,
Appanthiruppathi Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
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