

TNMD010041472026



In the Court of the Principal Sessions Judge, Madurai.

Present : THIRU. M.SAISARAVANAN., M.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 4th day of July, 2026.

Cr.L.M.P.No.3063/2026

CNR No.TNMD010041472026

1. Alagarsamy, S/o.Vellaiadaikkan

2. Vellaiadaikkan, S/o.Aaikkan

3. Periyapillai, W/o.Vellaiadaikkan

... Petitioners/Accused.

Vs

Thavarajan, S/o.Adaikkan

...Intervene Petitioner.

State through the Inspector of Police,

Kottampatti P.S. in Cr.No.235/2026

... Respondent/Complainant.

This e-petition coming on today for hearing before me in the presence of Thiru.P.Nanthees, Advocate for the petitioners, Thiru.R.Sureshkumar, Advocate for the intervene petitioner, and of Public Prosecutor for the State, this court passed the following:

Order

1. Anticipatory bail application u/s 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. The learned counsel for the intervening petitioner/defacto-complainant has filed an intervening petition and he is permitted to assist the Public Prosecutor.

3. Heard both side.

4. The learned counsel for the petitioners/accused submitted that this is the 2nd petition and that the respondent police has registered a case against the petitioners in Cr.No.235/2026 for the offences u/s 296(b), 115(2), 118(1), 351(3) of BNS and 4 of TNPWH Act. Due to previous enmity between the parties in the matter of land dispute, the present false complaint is lodged. Earlier petition was dismissed on the ground that injured was taking treatment as in-patient. Injured discharged from hospital on 24.06.2026. Counter case is pending against the

defacto-complainant and others. In fact, the petitioners No.2 and 3, who are aged more than 50 years, sustained injuries and they are taking treatment as in-patient. In the counter case, the accused therein were released on station bail. No similar petition is filed or pending before any superior courts. The petitioners apprehend arrest at the hands of police. The petitioners are ready to abide by any condition imposed by this Court. Hence the petition is to be allowed.

5. Per contra the learned Public Prosecutor and the learned counsel for the intervening petitioner submitted that there existed enmity between the parties in the matter of land dispute. As a result, on 12.06.2026, A1 to A3 have abused the defacto-complainant and his wife in vulgar words and assaulted them with iron rod and bat and also criminally intimidated them with dire consequences and left. On the way, they have also assaulted the defacto-complainant's junior paternal uncle with iron rod and caused multiple injuries to him. In this incident, the defacto-complainant and his junior paternal uncle sustained grievous injuries and the defacto-complainant's wife sustained simple injuries. Injured persons discharged from hospital. Investigation is pending and objected to allow the petition.

6. The learned counsel for the intervening petitioner would further submit that in this incident, the defacto-complainant's eye was severely affected and he has to undergo surgery for the same in Aravind Eye Hospital and that his junior paternal uncle sustained fracture for which he is continuing the treatment. Moreover, after lodging the present complaint, A1 to A3 continuously threatened the defacto-complainant and hence the defacto-complainant again lodged a complaint before the office of DSP, which is pending enquiry. At this stage, if the petitioners are granted anticipatory bail, there is a chance of tampering the evidence, which will hamper the investigation and prayed to dismiss the petition.

7. Rival contentions are taken into consideration. The alleged offences against the petitioners/accused are u/s 296(b), 115(2), 118(1), 351(3) of BNS and 4 of TNPWH Act. As per the case of the prosecution, due to previous enmity, A1 to A3 have abused the defacto-complainant and his wife in vulgar words and

assaulted the defacto-complainant, his wife and his junior paternal uncle with iron rod and bat and caused multiple injuries to them also criminally intimidated them with dire consequences.

8. This is the 2nd petition filed by the petitioners. This court dismissed the earlier petition on the ground that injured persons were taking treatment as in-patient. The change of circumstances reported now is that injured persons are discharged from hospital. However, on perusal of FIR, it shows that A1 allegedly assaulted the defacto-complainant with iron rod and caused head injuries. It is represented on the side of intervenor that still he is taking treatment for eye in Aravind Eye Hospital. Under such circumstances, considering the specific overt act attributed against A1 and the objections placed on the side of prosecution, this court is not inclined to grant anticipatory bail to A1. At the same time, in view of the limited overt act attributed against A2 and A3, the discharge of injured and the facts and circumstances of the case, this court is inclined to grant anticipatory to the petitioners/A2 and A3 alone on conditions.

In the result, in the event of arrest or on their surrendering before the Court concerned the petitioners No.2 and 3 are ordered to be released on anticipatory bail on their executing a bond for a sum of Rs.10,000/- each with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Melur subject to the following conditions:-

(i) The petitioners No.2 and 3 shall surrender before the Court concerned within 15 days from today; failing which, the petition shall stand automatically cancelled.

(ii) The petitioners No.2 and 3 shall appear and sign before the Inspector of police, respondent police station **daily at 10.00 a.m. for a period of 30 days**.

(iii) The petitioners shall co-operate with the investigation, shall not threaten the witnesses, shall not induce the witnesses and shall not cause hindrance to the pending investigation.

(iv) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(v) If there is any violation of condition, the Investigation officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

So far as the 1st petitioner is concerned, the anticipatory bail petition is dismissed.

Pronounced by me in the Open Court on the 4th day of July, 2026.

Principal Sessions Judge,
Madurai

Copy to

1. The J.M.Melur.
2. The Inspector of Police, Kottampatti P.S.
3. The Petitioners through their counsel.