



IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI

Present : Tmt.S.Subadevi, B.A.,B.L.,M.B.A.,

Principal Sessions Judge, Thoothukudi

Friday the 03rd day of July 2026

Cr.M.P.No. 3366/2026

Marimuthu (44/2026)

...Petitioner / Accused

S/o. Mokiah,

40A/20 Salalai Street Vannarpettai,

Palayamkottai, Tirunelveli – 627 003.

-Vs-

State : The Inspector of Police,

...Respondent / Complainant

Ottapitaram P.S.,

Thoothukudi.

Cr. No.243/2026

Petition u/s.483 BNSS is filed to grant bail to the petitioner.

This Petition has come up for final hearing before this court today, in the presence of Thiru. G. Mathavan, Advocate for the petitioner and the Inspector of Police, Ottapitaram P.S. for respondent.

Heard both side.

ORDER

The petitioner is alleged to have committed offences on 20.06.2026 u/s.329(3), 296(b), 351(3) of BNS and u/s.3(1) of TNPPDL Act. The petitioner was arrested and remanded to judicial custody on 26.06.2026.

The case of the prosecution is that, trespassed into the de-facto complainant's land, abused with filthy language, criminally intimidated the de-facto complainant and also damaged the property belonged to the de-facto complainant.



The learned Counsel for the petitioner has submitted that, the petitioner is an innocent and not at all committed any offence as alleged by the prosecution and that the petitioner is in judicial custody from 26.06.2026 for the past 8 days and that the petitioner has not caused any damaged to any public or private property. The accusation is a matter for investigation and trial and the prosecution has to prove the same by cogent and legally admissible evidence. Due to previous motive, the petitioner has been falsely implicated in this case and that the petitioner is the husband of Shanmugathai who is of the plaintiffs in O.S. No.164/2021 pending before the II Additional District Judge, Thoothukudi and the said suit is for partition in respect of the very same schedule property involved in the present case. During the pendency of the partition suit, the de-facto complainant purchased the entire suit schedule property from one of the defendants. The said purchase is hit by doctrine of lis pendens and is subject to the result of the pending partition suit. After such complainant, the de-facto complainant, with the assistance of the police, attempted to fence the suit property and commenced installation of solar power project. The plaintiffs in the partition suit objected to the illegal activities and lodged complaints before the respondent police. Instead of protecting the civil rights of the parties, the respondent police entertained the complaint of the de-facto complainant and proceeded against the plaintiffs. The plaintiffs have also filed I.A. No.6 of 2026 seeking interim relief in the pending partition suit. Despite having full knowledge of the pendency of the suit an the interlocutory application, the de-facto complainant continued the construction activities. The de-facto complainant had also undertaken before the respondent police that no further work would be carried in the suit property until disposal of the suit. However, in complete violation of such undertaking, he continued the work. On 20.06.2026, when the petitioner approached the respondent police and informed them that the de-facto complainant was continuing the work contrary to the undertaking. The respondent police instead of



taking action against the violators, registered the present false complaint. The present criminal case is nothing but a counterblast to the pending civil proceedings and has been maliciously instituted with the sole intention of preventing the petitioner and his family from protecting their civil rights over the suit property. While the anticipatory bail application in Cr.M.P. No.12604/2026 is pending before the Hon'ble High Court, the respondent police hurriedly arrested the petitioner on 26.06.2026 and that the petitioner is ready and willing to furnish sufficient sureties for his release on bail and that therefore, the petitioner may be enlarged on bail.

The Inspector of Police, Ottapidaram police station has appeared before this court and stated that the investigation is still pending and no stay is pending.

Considering the nature and gravity of the offence and the fact that, since the investigation is still pending, if the petitioner is enlarged on bail, there is every possibility of tampering the witnesses and hampering the investigation, this court is not inclined to grant bail to the petitioner.

In the result, this petition is hereby dismissed.

Pronounced by me in the Open Court this the 03rd day of July 2026.

Principal Sessions Judge,
Thoothukudi.

To

- The Judicial Magistrate, Ottapitaram.
- The Inspector of Police, Ottapitaram P.S., Thoothukudi.
- The Advocate for the petitioner.

They are requested to download the copy of the order from the official web site of this court only for purpose of furnishing sureties before the concerned court.