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Crl.O.P.No.167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 167 of 2025

Paramasivam Rathinasamy

Petitioner(s)

Vs

The State represented By,
The Inspector Of Police,
Karumathampatty Police Station,
Coimbatore.
Crime No.588 of 2024

Respondent(s)

For Petitioner(s):

Mr.Adhithya Varadarajan

For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.588 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 351(2) of BNS, 2023 and Section 3 of TNPPDL Act, 1992, the present petition has been filed seeking anticipatory bail.

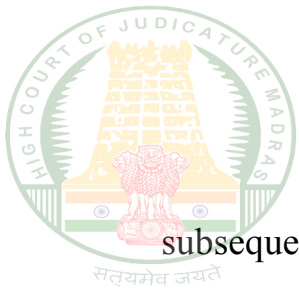


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2. The case of the prosecution as per the defacto complainant is that, the accused had illegally demolished the Arch put up by them in front of their college. Hence, the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the defacto complainant had put up an illegal structure on the highway, which is about 1 ½ Kilometers away from his college. He would submit that the petitioner is an adjacent land owner, who had given representation to the college to remove the illegal structure. He would submit that the Panchayat President of Kanniyur Village found that the structure put up by the defacto complainant in the highway was illegal, had issued notice to the college on 11.09.2024 and challenging the same, the defacto complainant had approached this Court by filing Writ Petition in W.P.No.28511 of 2024, seeking to quash the notice, however, the writ petition was dismissed as withdrawn. Subsequently, the defacto complainant college has also filed another Writ Petition in W.P.No.39341 of 2024, challenging the same notice and at that time, it was reported by the Government that the arch was damaged due to a road accident, since it was hit by a container lorry and thereby,



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subsequent writ petition has been closed by this Court vide order dated 03.01.2025. He would submit that, due to previous enmity, the defacto complainant has given a false complaint. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, the allegation in the FIR against the petitioner is that, he has demolished the arch by using JCB, however, he would fairly concede that the order in W.P.No.39341 of 2024, in 'para 9', it has been recorded that the learned State Counsel on instructions had submitted that, on 24.12.2024, there was a road accident and in the accident, the decorative arch has been destroyed completely.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, and perused the materials available on record, taking into consideration of the facts and the submissions, and taking note of the finding in 'para 9' by the order of this Court in W.P.No.39341 of 2024, this court is inclined to grant anticipatory bail to the



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petitioner with certain conditions.

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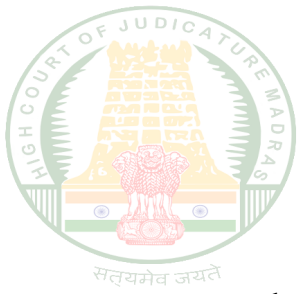
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate Court, Sulur**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, on every first and third Saturday of every month at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



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[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 of B.N.S.

21.01.2025

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A.D.JAGADISH CHANDIRA, J.

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