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Crl OP No.1777 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.1777 of 2025

1. K. Balamurugan
2. Subramani @ P.K.Subramani
3. D.Sridhar

... Petitioners

Versus

State Represented by
The Inspector of Police,
Auroville Police Station,
Villupuram District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on anticipatory bail in the event of their arrest in Cr.No.622 of 2024 on the file of the respondent police.

For petitioners : Mr.S.Siva Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 324(4), 324(5), 118(1), 351(3) of BNS r/w Section 4 of TNWH Act in Crime No.622 of 2024, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners along with other accused entered into the agricultural field of the defacto complainant and abused her in filthy language and cause damage to the cashewnet crops.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; that the first petitioner is the absolute owner of the property and had purchased the property by virtue of sale deed vide Document No.8763 of 2022 ; that the petitioner had also filed a suit and that in any case, custodial interrogation is not required and sought for anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted there is a dispute with regard to title between the petitioner and the defacto complainant.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



6. Considering the nature of the allegations, the fact that there is a dispute with regard to ownership of the property, this court is of the view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate, Vanur** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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 report before the respondent police station daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with evidence or witness either



during investigation or trial;

[d] the petitioners shall not abscond 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners are 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.

24.02.2025

Vv

To

1. The Judicial Magistrate,
Vanur.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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