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Crl OP No.3880 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3880 of 2025

1. Sanjay
2. Periyasamy
3. Kamala

Petitioner(s)

Vs

State Rep. By Sub-Inspector of police,
Thevoor Police Station, Salem District.
(Crime No.27/2025)

Respondent(s)

For Petitioner(s):

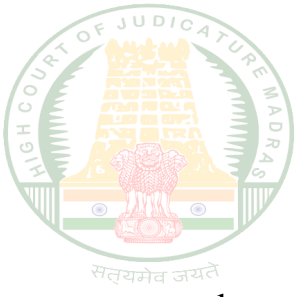
T Muruganantham

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 329 and 351(3) of BNS Act 2023 r/w Section 3 of TNPPDL Act, in Crime No. 27 of 2025, seek anticipatory bail.



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2. The case of the prosecution is that on 29.01.2025 at 7.00 a.m, due to a property dispute, the petitioners entered the house of the defacto complainant and damaged household articles worth Rs.40,000/- Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case due to the existing civil dispute, and in any case, the custodial interrogation is not necessary and prayed for anticipatory bail.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions submitted that the petitioners and the defacto complainant are relatives; that the petitioners A1 and A2 have been arrested.

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.



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6. Considering the nature of allegations, and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Sankari**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police 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.



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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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

17-02-2025

drl

To

1. The Sub-Inspector of police,
Thevoor Police Station,
Salem Distict.

2.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J

drl

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