



WEB COPY

Crl.O.P.No.4744 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4744 of 2025

Kumaran

Son of Kathavarayan, No. 8A, 7th Street, C.G.
Colony, Royapuram, Chennai - 600 013

Petitioner(s)

Vs

The State Of Tamil Nadu Rep.By,
The Inspector Of Police,
N-4, Fishing Harbour Police Station, Chennai
District. (Crime No. 63/2025)

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent police
concerned in Crime No.63 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. Gopalakrishnan E.

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



ORDER

WEB COPY The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 127, 308(3), 351(2) of BNS 2023 r/w Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.63 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Rajendra Banu is that, he is the President of Chennai Val Fisherman Visai Padagu, Owner Sangam; that the petitioner along with others waylaid and stopped a Heavy Vehicle bearing Registration No.KL-42-Q-5758 carrying Squid from Kerala to a company in Chennai named M/s. Peter and Paul Sea Food Emport Private Limited; that they demanded mamool and threatened the said company owner one Joseph Jagan of dire consequences; that while the same was questioned by the defacto complainant and his men, the petitioner and others had thrown away the squid, damaged the door and wind shield of the said heavy vehicle. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A4 and the allegation against him are false;



WEB COPY

that the co-accused A1 and A2 were arrested and released; that the said Joseph Jagan and his henchmen indulged in several illegal practices, which are prohibited by the Coastal Zone Regulation Notificatin dated 06.11.2011 issued by the Union Government, for which the petitioner and others had lodged a complaint against the defacto complainant and his henchment; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that it is a clash between the members of two fishermen association; that the co-accused/ A1 and A2 were arrested and released on bail; that the complaint lodged against the defacto complainant has not been registered so far; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and



perused the materials available on record.

WEB COPY

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the co-accused were arrested and released on bail and since, custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Chief Metropolitan Magistrate at Egmore, Chennai** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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] the petitioner and the sureties shall affix their



WEB COPY

Crl.O.P.No.4744 of 202



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 petitioner shall report before the respondent police everyday 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.

[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].

SUNDER MOHAN, J.

stn

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



WEB COPY

stn

To

1. The State Of Tamil Nadu Rep. by,
The Inspector Of Police, N-4, Fishing Harbour Police
Station, Chennai District.
(Crime No. 63/2025)

Crl.O.P.No.4744 of 2025



25.02.2025

Crl.O.P. No.4744 of 2025