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Crl OP No.5259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5259 of 2025

1. Alagarsamy
2. Prabhu
3. Shanthi

... Petitioners

Versus

The State of Tamilnadu
Rep.by The Inspector of Police,
T-3, Pallavaram Police Station,
Chennai-600 043.

... 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.389 of 2024 on the file of the respondent police.

For petitioners : Mr.P.Asai Thambi

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 147, 427, 294(b) and 506(i) of IPC in Crime No.389 of 2024, seeks anticipatory



bail.

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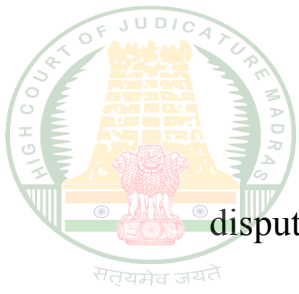
2. The case of the prosecution is that the petitioners and the defacto complainant are residing in the same apartment; that near the said apartment the defacto complainant owned 800 sq.ft of land and he had constructed a compound wall by using metal sheets; that same was damaged by the petitioners; that when the defacto complainant questioned the petitioners, the petitioners have attempted to assault the defacto complainant.

3. Learned counsel appearing for the petitioners submitted that the allegations are false and considering the nature of allegations and in any case, the custodial interrogation of the petitioners is not required. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that the petitioners have damaged the compound wall of the defacto complainant and also attempted to assault her.

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

6. Considering the nature of allegations and the fact that it is a



dispute between neighbours, 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 ***learned District Munsif-Cum-Judicial Magistrate Court, Pallavaram*** 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



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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 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.

27.02.2025

Vv

To

1. The District Munsif-Cum-Judicial Magistrate Court,
Pallavaram
2. The Inspector of Police,
T-3, Pallavaram Police Station,
Chennai-600 043.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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