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CRL OP NO. 5737 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5737 of 2025

1. M.Ganesh Kumar
2. Perumal
3. Chinnaraj

Petitioners/A1 to A3

Vs

State Rep. By
The Inspector of Police,
Kurusilapet Police Station,
Tirupathur District.

Respondents

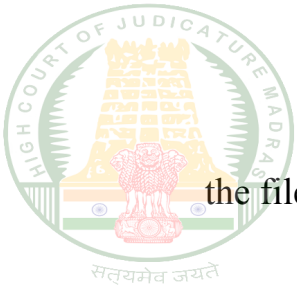
Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners/Accused on anticipatory bail in the event of arrest in Crime No. 24 of 2025 pending on the file of the respondent police.

For Petitioners	:	Mr.B.Kumar Senior Counsel for Mr.Mani Prabhu D
For Respondent	:	Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 329(4), 324(2) and 351(3) of the BNS in Crime No.24 of 2025, on



the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the petitioners and the de facto complainant are relatives; that due to prior property dispute, the petitioners entered into the land of the de facto complainant and destroyed plantain crops and caused loss to the tune of Rs.1,50,000/-, besides attacking the de facto complainant and abusing him in filthy language.

3. The learned Senior Counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that there is a civil suit pending between the parties; that in order to show their bonafide, the petitioners are willing to deposit a sum of Rs.1,50,000/- to the credit of the crime number, which can be handed over to the de facto complainant.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and on instructions submitted that the injured has sustained simple injuries and it is reported that the loss has been caused to the de facto complainant to the tune of Rs.1,50,000/-.



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

6. Considering the above said facts, the nature of allegations, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Further, considering the voluntary submissions made by the learned senior counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.1,50,000/- to the credit of crime number within a period of two weeks from the date of receipt of a copy of this order and on such deposit, the de facto complainant is permitted to withdraw the same by filing suitable application.

8. 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



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from the date on which the order copy made ready, before **the learned Judicial Magistrate II, Tirupathur** on condition that the petitioners 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 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 everyday 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 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].



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SUNDER MOHAN, J.

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

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vca

To

1. The Inspector of Police,
Kurusilapet Police Station,
Tirupathur District.
2. The Judicial Magistrate II, Tirupathur
3. The Public Prosecutor,
Madras High Court.

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