



Crl.OP.No.12501 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.06.2025

CORAM
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR
CRL OP NO.12501 of 2025

P.Sivakumar

Petitioner

Vs

The State Rep By
The Inspector of Police
Achirupakkam Police Station,
Chengalpet District.
(Crime No.41 of 2024)

Respondent

Prayer:- Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner/Accused on
anticipatory bail in the event of arrest in Crime No.41 of 2024 pending on
the file of the respondent police.

For petitioner : Mr.K.A.Mariappan
For Respondent : Mr.R.Vinothraja
Government Advocate
(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 447 and 379 of I.P.C., in
Crime No.41 of 2024, on the file of the respondent police, seeks
anticipatory bail.



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2.It is the case of the prosecution that the petitioner and the defacto-complainant are neighbours. Petitioner's wife is a Panchayat President and the defacto-complainant is a Parukal Village Councilor. Due to political rivalry, the petitioner trespassed into the defacto-complainant's land and uprooted 21 neem trees worth about Rs.2,00,000/-. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Criminal Side) reiterated the prosecution case and he opposed the grant of anticipatory bail to the petitioner and submits that petitioner is the husband of Parukal Panchayat President and he had trespassed into the defacto-complainant's land and uprooted 21 neem trees worth about Rs.2,00,000/-.



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5.At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show their bonafide, is ready and willing to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.41 of 2024 without prejudice to his defence.

6.Heard the learned counsel on either side and perused the materials available on record.

7.Considering the nature of allegations and and the submission that the petitioner is willing to deposit an amount of Rs.1,00,000/- to the credit of Crime No.41 of 2024, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is directed to deposit a sum of **Rs.1,00,000/- [Rupees One Lakh Only]** to the credit of Crime No.41 of 2024 before the trial Court, on such deposit and production of proof, the



petitioner is ordered to be released on anticipatory bail on his executing a 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 **Judicial Magistrate No.2, Madurantagam**, and on further conditions that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to



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the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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];

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

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M.NIRMAL KUMAR, J.
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To:

- 1.The Inspector of Police
Achirupakkam Police Station,
Chengalpet District.
- 2.The Judicial Magistrate No.2,
Madurantagam.
- 3.The Public Prosecutor,
High Court Madras.

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