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Crl.O.P.No.14865 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2025

CORAM

THE HONOURABLE MR. JUSTICE N. SENTHIL KUMAR

CRL OP NO.14865 of 2025

1. B. Gokul

2. S. Mohan Babu

... Petitioner(s)/ Accused

Vs

State rep. by,
The Inspector of Police,
C-1, Uthukottai Police Station,
Tiruvallur District.
(Crime No.106 of 2025).

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.106 of 2025, on the file of the respondent police.

For Petitioner(s) : Mr. C. Ganesh Pandian

For Respondent(s) : Mr. A. Gopinath,
Government Advocate (Crl. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(3) and 351(3) of BNS Read with Section 3(1) of The Prevention of Damage to Public Property Act, 1984 in Crime No.106 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on account of property boundary dispute between A1 and the defacto complainant, the accused/ A1 along with some henchmen came with a JCB and demolished the back compound wall of the defacto complainant's commercial complex and further threatened the defacto complainant of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case based on the confession of A1; that the petitioners are ready to amicably settle the dispute between the defacto complainant in reconstruction of the said compound wall; and that the petitioners are 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 sought for anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner had damaged the compound wall of the defacto complainant's property; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the petitioners are ready to amicably settle the dispute with the defacto complainant and to reconstruct the said compound wall and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 made ready, before **the learned**



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District Munsif Cum Judicial Magistrate, Uthukottai 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 learned Magistrate concerned from Monday to Friday at 10:30 a.m., and before the respondent police at 10:30 a.m. on Saturday and Sunday, for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall take necessary steps to reconstruct the said compound wall of the defacto complainant within a period of two weeks from the date of receipt of copy of this order;

[d] the petitioners shall not tamper with evidence or



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witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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].

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

21.05.2025

stn/ nsl

Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.

N. SENTHILKUMAR, J.

stn/ nsl



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- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

To

1. The District Munsif Cum Judicial Magistrate, Uthukottai.
2. The Inspector of Police,
C-1, Uthukottai Police Station,
Tiruvallur District.
(Crime No.106 of 2025).
3. The Public Prosecutor,
High Court of Madras.

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