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CrI.O.P.No.16010 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16010 of 2025

- 1.P.Santhanaraji @ Balaiya
- 2.Johnbosco
- 3.Kalisthus
- 4.Christy
- 5.Lourd @ Lourdraj
- 6.Essak P
- 7.Prabu @ Christiraja
- 8.Anthony
- 9.Periyanayagam
- 10.Sebastin
- 11.Anthony @ Anthoniraj
- 12.Arokiyam @ Arokiyasamy D
- 13.Jonas @ Anthony Jonas A
- 14.Nikson @ Rikson ... Petitioners/Accused 1, 3 to 9, 11 to 13, 15 to 17

Vs.

The State rep.by
The Inspector of Police
Thirupalaivanam Police Station
Thiruvallur District
(Crime No.65 of 2025).

... Respondent/Complainant



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Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on Bail in the event of their arrest in connection with Crime No.65 of 2025 on the file of Thirupalaivanam Police Station, Thiruvallur District.

For Petitioners : Mr.Shanmugam Murugesan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

For Intervenor : Mr.S.N.Arunkumar

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) & 351 (3) of BNS, 2023, in Crime No.65 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioners are all fisher men. The alleged occurrence took place on 12.05.2025. The petitioners had a dispute with defacto complainant and his group with regard to the Fishing rights, thereby both the groups attacked each other.

3. The contention of the petitioners is that the petitioners had lodged a complaint and case in Crime No.66 of 2025 has been registered against 19 persons for offences under Sections 294(b), 323 & 506(ii) of IPC. The respondent police have become complaisance with the rival groups and no corecive action had been taken against them. Hence, the counter group had not even filed any anticipatory bail application. The petitioners have been chased away from the village and they ensured that they have not entered into the village in the process when the counter groups have been fishing.



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4. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that between the two groups in the same village with regard to fishing rights, earlier there was a dispute and the matter was referred to the Revenue Divisional Officer and the Revenue Divisional Officer had also issued certain orders that the petitioners have violated the orders and continued to fish in the restricted area. Therefore, he opposed for granting anticipatory bail to the petitioners.



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6. Mr.S.N.Arunkumar, the learned counsel appearing for the intervenor submitted that in this case, the defacto complainant was allotted 60 days of fishing rights. During the allotted days, the petitioners had entered in late nights and they were fishing against the understanding as entered in the Panchayat. Both the groups are residing in the same village having common fishing rights but having with some restriction, which is violated by the defacto complainant.

7. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

8. Considering the submissions made on either side and that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



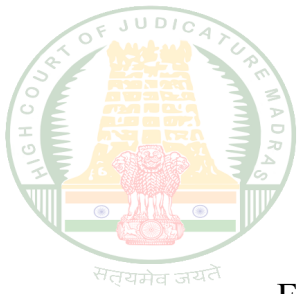
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9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Ponneri**, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners 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



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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 petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

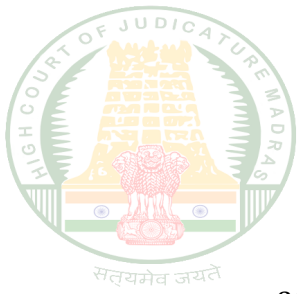
[d] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

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

[f] the petitioners 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 the directions as may be given by the Court in this regard;

[g] the petitioners 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



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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];

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

13.06.2025

dna

To:

1.The Judicial Magistrate NoII, Ponneri.

2.The Inspector of Police
Thirupalaivanam Police Station
Thiruvallur District
(Crime No.65 of 2025).

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

dna

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