



Crl.O.P.No.16304 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16304 of 2025

1.Sambasivam

2.Somashanmugam

... petitioners

Vs.

State rep. by
The Inspector of Police,
Mohanur Police Station.
Namakkal District.
Crime No.109 of 2025.

... Respondent

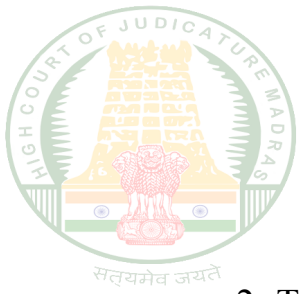
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.109 of 2025 pending on the file of the Respondent police.

For petitioners : Mr.S.Santhosh Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.05.2025, for the offence punishable under Sections 332, 296(b), 351(3) of BNS Act r/w 3(1) of TNPPDL Act in connection with Crime No.109 of 2025, registered on the file of the respondent, seek bail.



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2. The case of the prosecution is that the petitioners along with others had trespassed into the temple and damaged the CCTV camera installed and also damaged the front wall of the temple. They also abused the priest in filthy language and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant have dispute with regard to running of the private temple. The defacto complainant without any right had disturbing the petitioners and assaulted the petitioners. Hence the petitioners had lodged a complaint in counter case in Cr.No.110 of 2025. Since the same defacto complainant had lodged a counter complaint, the petitioners who have been arrayed as A1 to A4 have been arrested on 07.05.2025 and A5 has filed anticipatory bail. He further submitted that the petitioners are falsely implicated in this case. The petitioners are in judicial custody from 07.05.2025 and hence, further custody of the petitioners is not required. He also submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that it is case in counter and there is a dispute between the petitioner and the defacto complainant with regard to the functioning



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of the private temple and he reiterated the prosecution case and opposed for grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing 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 **Judicial Magistrate No.II, Namakkal**, and on further conditions that:

a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioners shall appear before the respondent police for a period of two weeks and thereafter as and when required for further interrogation;

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

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;



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[e] 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;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

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gv



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To

1. The Judicial Magistrate II,
Namakkal.
2. The Inspector of Police,
Mohanur Police Station.
Namakkal District.
3. The Superintendent,
District Prison, Namakkal
4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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