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Crl.O.P. No.16868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.16868 of 2025

Elangovan

... Petitioner/ Accused No.2

Vs.

The State Rep. By,
The Inspector of Police,
Nallur Police Station,
Tiruppur City.
(Crime No.308 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.308 of 2025, on the file of the respondent police.

For Petitioner : Mr. N. Ponraj

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324(3) and 351(2) of BNS r/w Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.308 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the co-accused are neighbouring land owners; that the petitioner along with the co-accused had trespassed into the defacto complainant's land, cut down a tree and demolished a portion of her building; that while the same was questioned by the defacto complainant, the accused informed that he would restore the building and the tree, however, he did not kept up his word. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he had never committed any offence as alleged by the prosecution. He further submitted that the petitioner, without prejudice to his rights, is ready to



deposit a sum of Rs.5,000/- to the credit of Crime Number before the learned Magistrate concerned; and that the petitioner is ready to produce solvent sureties and to abide by any stringent 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 petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there are totally two accused in this case and the petitioner is arrayed as A2; that A1 was arrested and still in custody; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the voluntary submission made by the learned counsel appearing for the petitioner regarding depositing a sum of Rs.5,000/- to the credit of Crime Number and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant



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anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate IV, Tiruppur** on condition that the petitioner 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] 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;



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[c] The petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.308 of 2025 before the learned Magistrate concerned and on such deposit, the learned Magistrate concerned shall re-deposit the same to any of the Nationalized bank under interest bearing scheme and disburse the same, at the time of completion of the trial or if any settlement arrived between the parties;

[d] the petitioner shall report before the respondent police as and when required for interrogation;

[e] 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;

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

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

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



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M. NIRMAL KUMAR, J.

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[i] 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];

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

19.06.2025

stn

To

1. The Judicial Magistrate IV,
Tiruppur.
2. The Inspector of Police,
Nallur Police Station,
Tiruppur City.
(Crime No.308 of 2025)
3. The Public Prosecutor, High Court of Madras.

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