



Crl.O.P.No.16895 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16895 of 2025

1.N.Venkatesan

2.A.Gnanasekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram District.
Crime No.235 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
arrest in connection with Crime No.235 of 2025 on the file of respondent Police.

For Petitioners : Mr.C.Prakasam

For Respondent : Mr.V.Meganathan
Government Advocate (Criminal Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 3 (1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.235 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that, the first petitioner owns a property situated in S.No.568/1D, Sevilimedu, Kancheepuram to the extent of 2400 sqft. The second petitioner is the driver of JCB. The first petitioner had employed the second petitioner for clearing the obstructions to his property. During the process, an old stone wall got damaged. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. He further submitted that during cleaning process near the house site of the first petitioner, a stone wall got damaged. He also produced photographs showing the old wall with bushes and trees covering over it. Hence, he prayed for grant of anticipatory bail to the petitioners.



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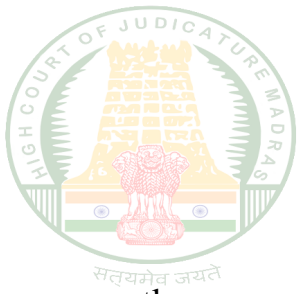
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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the submissions made by the learned counsel appearing on either sides and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, Kancheepuram, Kancheepuram district**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each with two sureties** each for a like sum to the satisfaction of



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

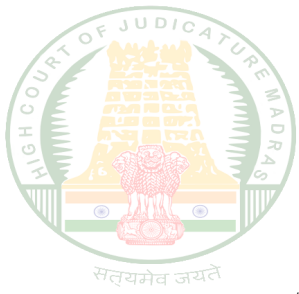
[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks; thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

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

[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



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

[g] 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]**;

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

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To

- 1.The Judicial Magistrate No.II,
Kancheepuram,
Kancheepuram District.
- 2.The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court of Madras.

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M.NIRMAL KUMAR, J.

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