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Crl.O.P.No.17028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17028 of 2025

1. Sampath Kumar

2. Janaki Rama @ Viji

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Selaiyur Police Station,
Pallikaranai.

Crime No.555 of 2023

... 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 their arrest in connection with Crime No. 555 of 2023 on the file of respondent Police.

For Petitioners : M/s.Karthikeyan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC, Section 3 of TNPPDL Act r/w Section 4 of TNPHW Act in Crime No.555 of



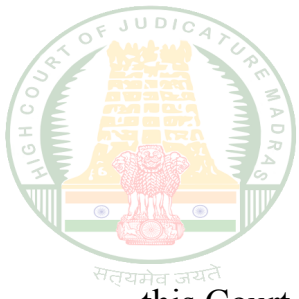
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2023, on the file of the respondent Police, seek anticipatory bail.

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2. It is alleged that the petitioners are the owners of 0.73 cents out of 0.93 cents comprised in S.No.3/1 situated at No.10, Puthur Village, Chengalpattu Taluk and Kancheepuram District, Kattangulathur Panchayat Union Limit. Earlier the Nedungundram Panchayat attempted to dump garbages in the said land of the petitioners and the same was resisted by the order of this Court in W.P.No.10388 of 2020 dated 16.03.2021, thereby protected the interest of the petitioners and directed the Panchayat and others not to interfere with the peaceful possession of the petitioner's property and also directed not to dump garbages. At the instigation of the other accused, the petitioners have dugged up the newly laid road with the help of JCB. When the same was questioned by the defacto complainant, the petitioners abused him in filthy language and threatened him with dire consequences. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are an innocent person and they have been falsely implicated in this case. Moreso, the petitioners are the owners of the land in S.No.3/1. The petitioners are ready to abide by any stringent condition that may be imposed by



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this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that pursuant to the order passed by this Court dated 26.06.2025, the Revenue Inspector has produced a report before this Court wherein it is stated that road is laid in S.No.3/1 which is a Government Poramboke land and the petitioners are no way connected to the said property. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

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

6. Though the petitioners claim that they are the owners of the aforesaid property, however, the respondent had resisted the contentions of the petitioners with regard to ownership. However, this Court is not inclined to interfere with the contentions with regard to the ownership of the land in dispute or the right over the said property and it is for the petitioners to approach the appropriate forum. Insofar as the present case on hand is concerned, taking note of the nature of the allegations and since, custodial interrogation of the petitioners are not required,



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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 Principal District and Sessions Judge, Chengalpattu** 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] if the petitioners fail 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**



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respondent Police for a period of daily at 10.30 a.m., and thereafter as and when required;

[d] the petitioners shall not abscond either during investigation or trial and they shall make themselves 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, she shall comply to 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 petitioner 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 Principal District and Sessions Judge, Chengalpattu
2. The Inspector of Police,
Selaiyur Police Station,
Pallikaranai.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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