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CRL OP No. 17363 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17363 of 2025

1. Krishnamoorthy
2. Loganathan

Petitioners

Vs

The State Rep By, The Inspector of
Police
Kitchipalayam Police Station, Salem
City, Salem. Crime No.182 of 2025.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of BNSS, pleaded to grant bail to the petitioner pending investigation in Crime No.182 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.A.M. Esakkiappan

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

**ORDER**

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This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 04.06.2025, seeking bail in Crime No.182 of 2025 registered for the offence under Sections 329(3), 296(b), 351(3) of the BNS Act 2023 and Section 3(1) of Tamilnadu Public Property (Prevention of Damage & Loss Act 1992.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and that there was a pathway dispute between them. On 03.06.2025 at about 01.30.p.m., the petitioners trespassed into the residence area of the defacto complainant along with JCB bearing Registration No.KA-51-N-7171 and damaged a room and 40 feet compound wall and caused damaged to the tune of Rs.5 Lakhs. When the defacto complainant questioned the act of the petitioners, the petitioners threatened the defacto complainant with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the allegations are false and in any case, petitioners are in custody from



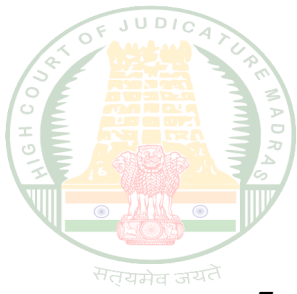
04.06.2025; and that further custody is not required for the purpose of investigation. Hence, he prayed for grant of bail to the petitioners.

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4. Learned Government Advocate (Crl.Side) reiterated the prosecution case and also submitted that due to civil dispute, on the alleged date of occurrence, the petitioners trespassed into the residence area of the defacto complainant along with JCB and damaged a room and 40 feet compound wall and caused damaged to the tune of Rs.5 lakhs and the investigation is at crucial stage.

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

6. Considering, nature of allegations against the petitioner; period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on his executing 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 learned **Judicial Magistrate II, Salem** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] 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]***;

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

03-07-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To
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1. The State Rep By, The Inspector of
Police
Kitchipalayam Police Station, Salem
City, Salem. Crime No.182 of 2025.
2. The Judicial Magistrate II, Salem.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

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