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Crl.O.P.No.17529 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17529 of 2025

Kumar

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
S.H.O.Kallakurichi Police Station,
Kallakurichi District.
(Crime No.337 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.337 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Ajay

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.06.2025, for the offence punishable under Sections 3 of Tamil Nadu
Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.337



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of 2025, registered on the file of the respondent, seeks bail.
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2. The case of the prosecution is that the petitioner, who is a JCB owner cum driver had caused damages to the lake bund as well as the lake sluices and according to the PWD estimation, the damage is around 1.4 lakhs. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner without prejudice to his defence is ready and willing to deposit a sum of Rs.70,000/- to the credit of Crime Number.337 of 2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case.

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



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6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall **deposit a sum of Rs.70,000/- (Rupees Seventy Thousand only) to the credit of Crime No.337 of 2025 and on such deposit**, the petitioner is 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 No.I, Kallakurichi** 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 petitioner shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter as and when required for interrogation;**

[c] the petitioner shall make himself available



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for interrogation by a Police Officer as and when required;

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

[e] 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;

[f] 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 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)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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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.

To

- 1.The Judicial Magistrate No.I, Kallakurichi
- 2.The Inspector of Police,
S.H.O.Kallakurichi Police Station,
Kallakurichi District.
- 3.The Central Prison,
Villupuram
- 4.The Public Prosecutor,
High Court of Madras.



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The matter is listed under the caption "for being mentioned" at the request of the learned counsel appearing for the petitioner.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner requested that the address in the "To" copy be changed to "***The Central Prison, Cuddalore***", instead of "The Central Prison, Villupuram" in the order dated 27.06.2025 passed in Crl.O.P.NO. 17529 of 2025.

3. In view of the above, the address "The Central Prison, Villupuram" shall be substituted with "***The Central Prison, Cuddalore***" in the "To" copy portion of the order.

4. The Registry is directed to issue a fresh order copy after carrying out the said correction.

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