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CrI.O.P.No.17940 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17940 of 2025

S.Venkatesan

... Petitioner

Vs

State Rep. by the Inspector of Police,
Avadi Tank Factory P.S,
(Crime No.260 of 2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
the event of arrest by the respondent Police in Crime No.260 of 2025 on the
file of the Inspector of Police, Avadi Tank Factory P.S.

For Petitioner : Ms.Selvi George
For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
Police for the offences punishable under Sections 296(b), 351(2) of BNS r/w
Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss)
Act, 1992 in Crime No.260 of 2025, on the file of the respondent Police,



seeks anticipatory bail.

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2.The learned counsel for the petitioner submits that a false case has been foisted against the petitioner and that earlier for the same allegation, a case in Crime No.359 of 2024 registered against the petitioner. She further submits that it is purely a civil dispute and there have been pendency of civil suits between petitioner and defacto complainant. Now, the present case has been projected as though the petitioner removed the fencing using JCB and caused damage to the property. Hence, she prays for anticipatory bail.

3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that petitioner using JCB vehicle, trespassed into defacto complainant's property, damaged the fence and encroached the property. He produced photographs confirming the damage caused by the petitioner. He further submitted that earlier the petitioner had employed the same *modus operandi* caused damage and entered into defacto complainant's property and a case in Crime No.359 of 2024 registered. When the petitioner was arrested and produced for remand, the remand was rejected which embolden the petitioner to commit same offence again. Though the learned



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counsel for the petitioner submits that civil suit is pending between petitioner and defacto complainant, the petitioner is unable to get any protection order from the civil Court, on the other hand, he had taken the law into own hands and caused damage to the fencing alone to the tune of Rs.1,69,500/-.

4.At this stage, the learned counsel for the petitioner undertakes that the petitioner is ready to deposit Rs.1,69,500/- to the credit of crime number without prejudice to the right and contention and further undertakes to file affidavit before the lower Court while executing sureties that the petitioner will not enter into disputed property of 12,000 sq.ft in survey No.59/1C, Dr.T.P.Ramasamy Nagar, Morai Pulikuthi Village and the petitioner would workout his remedy before the civil Court.

5.In view of the above, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Ambattur on condition that the petitioner shall execute 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 respondent Police or the Police



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officer who intends to arrest or to the satisfaction of the said Magistrate, 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 the identify proofs to ensure their identity;

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

[d] The petitioner shall deposit a sum of Rs.1,69,500/- (Rupees one lakh, sixty nine thousand and five hundred only) to the credit of Crime No.260 of 2025 within a period of two weeks from the date of receipt of copy of this order. At the time of executing sureties, the petitioner shall file affidavit before the learned Judicial Magistrate, Ambattur that he will not enter into disputed property of 12,000 sq.ft in survey No.59/1C, Dr.T.P.Ramasamy Nagar, Morai Pulikuthi Village. It is made clear that the two weeks time is only an outer limit and no extension of time will be entertained. In the event of failure of payment, this order would automatically cancelled.

[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



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Police officer as and when required;

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

[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 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];

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

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To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
Avadi Tank Factory P.S.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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