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Crl.O.P.No.18022 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18022 of 2025

Sadayappan

... Petitioner

Vs.

State Rep. By:

The Inspector of Police,

Ethappur Police Station,

Salem District.

Crime No.280 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.280 of 2025 on the file of respondent Police.

For Petitioner : Mr.D.Gokul

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)
: Mr.L.B.Kumarasamy for Intervener

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 61(2), 191(2), 191(3), 392(3),



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324(2), 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita, 2023 read with Section 4 of Tamil Nadu Prohibition of harassment of Women Act 2002 in Crime No.280 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other persons has trespassed into the school of the defacto complainant by breaking its lock and when the same was questioned by the defacto complainant and her husband, they were assaulted by the petitioner and other accused. Due to which the defacto complainant sustained injury on her hand and was admitted in the hospital. Hence the case.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and has been falsely implicated in this case. Moreso, a civil dispute is pending between the petitioner and defacto complainant's husband with regard to the school. He further submitted that without prejudice to his defence, the petitioner is ready and willing to deposit a sum of Rs.30,000/- to the credit of Crime No.280 of 2025.

4. The learned counsel appearing for the intervenor submits that the



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petitioner has no *locus standi* to enter into the defacto complainant's property.

The petitioner is the union secretary of Patali Makkal Katchi (PMK party) he along with 40 other henchmen entered the property of the defacto complainant and attacked the defacto complainant and also caused damages to the entire fencing of the property. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.side) submits that the petitioner along with others, attacked the defacto complainant, and also caused damages to the fencing of the school to the tune of Rs.30,000/-. He further submits that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

7. Accordingly, the petitioner shall **deposit a sum of Rs.30,000/-**



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(Rupees Thirty Thousand only) to the credit of Crime No.280 of 2025 and the trial Court shall deposit the same in an interest bearing account and on such deposit, the petitioner is ordered to be released on bail on their 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.1, Aathur, Salem District and on further conditions 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 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 petitioner shall report before the respondent Police everyday at 10.30 a.m. for a period of three weeks and thereafter as and when required;

[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 petitioner 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



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or trial;;

[f] 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;

[g] The petitioner shall not interfere with the property of the defacto complainant and to that effect an undertaking shall also be filed by the petitioner;

[h] 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]**;

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

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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate No.1,
Aathur, Salem District.
2. The Inspector of Police,
Ethappur Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

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