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Crl.O.P.No.20838 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.20838 of 2025

Krishnamoorthy

... Petitioner/A5

Vs

The State rep by
The Inspector of Police,
Rayakottai Police Station
Krishnagiri District.
(Crime No.123 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.123 of 2025 on the file of the respondent police.

For petitioner : Mr.M.Palanivel

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 318(4), 329(3), 351(3) of BNS, 2023 in Crime No.123 of 2025, on the file of the respondent



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police, seeks anticipatory bail.

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2.The case of the prosecution is that the de-facto complainant constructed a house in S.No.34 and 54/1 in T.Kollaalli village. On the date of occurrence, the accused 1 to 4 at the instigation of petitioner/A5 trespassed into the de-facto complainant's newly constructed house and abused the de-facto complainant in filthy language and damaged the compound wall of the house and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not connected with the above offence. He further submitted that the de-facto complainant is none other than the elder brother of petitioner. There was previous dispute with regard to selling of property. Hence, prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that there was no damages caused in the house. However, he opposed to grant anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case and the fact that there was previous dispute with regard to property between the family members, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Denkanikottai** 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 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:



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[a] the petitioner and 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 petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 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)AIR SCW 5560]**.

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

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- 1.The Judicial Magistrate,
Denkanikottai.
- 2.The Inspector of Police,
Rayakottai Police Station
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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