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Crl.O.P.No.25105 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2025

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THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25105 of 2025

Kandha Samy

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Thevoor Police Station,
Sankari Taluk,
Salem District.
(Crime No.186 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482, BNSS, pleaded to enlarge the petitioner on bail in the event of arrest by the respondent police concerned in Crime No.186 of 2025 on the file of the Inspector of Police, Thevoor Police Station, Salem District.

For Petitioner : Mr.Gandhi.RK

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



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ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 296(b), 121(1), 351(3), 303(2) of The Bharatiya Nyaya Sanhita, 21(1), 21(4) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.186 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had illegally committed theft of stones and soil using a J.C.B, and when the revenue officials questioned him, the petitioner attacked them. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that during the night hours, the revenue officials visited the petitioner's place, misbehaved with the family members, and when they were questioned, a wordy quarrel ensued, which has led to the registration of a false complaint.

4. The learned Government Advocate (Crl.Side), per contra, submitted that the petitioner has one previous case of a similar nature. Hence, he opposed the grant of anticipatory bail.



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5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the allegations and counter-allegations, this Court is of the view that the matter is subject to investigation and that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.25,000/- [Rupees Twenty Five Thousand Only]** to the credit of Crime No.186 of 2025 before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned **Judicial Magistrate, Sankari, Salem** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:



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[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 10.30a.m., until further orders;

[c] 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]**;

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

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To

- 1.The Judicial Magistrate, Sankari, Salem.
- 2.The Inspector of Police,
Thevoor Police Station,
Sankari Taluk,
Salem District.
3. The Public Prosecutor,High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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