



WEB COPY



Crl.O.P.No.25795 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.25795 of 2025

Sivakumar

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
Crime No.575 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.575 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar
For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



Crl.O.P.No.25795 of 2025

ORDER

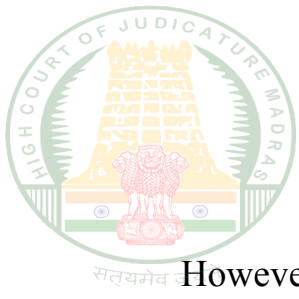
WEB COPY

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Section 329(4) of the Bharatiya Nyaya Sanhita (BNS) 2023 read with Section 3(1) of TNPPDL Act 1992, in Crime No.575 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.11.2024, the petitioner demolished the compound wall of the Aathipuliyur Panchayat Union Primary School without obtaining any valid permission. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the compound wall was demolished by mistake while fixing the boundary. He further submitted that the petitioner is an innocent person and has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the Block Development Officer had lodged a complaint alleging that the petitioner had demolished the wall.



Crl.O.P.No.25795 of 2025

WEB COPY

However, it is further submitted that the petitioner has restored the said compound wall.

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

6. Considering the nature of the complaint and taking into account the fact that the petitioner has restored the compound wall of the Aathipuliyur Panchayat Union Primary School, 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 ten days from the date of receipt of a copy of this order, before the learned **District Munsif cum Judicial Magistrate Court, Kilvelur**, 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 learned Magistrate concerned, and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from



WEB COPY



CrI.O.P.No.25795 of 2025

the date of receipt of a copy of this order, 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 daily at 10.30 a.m., for a period of one week, and thereafter, as and when required for interrogation;

[d] 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]**;

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

19.09.2025

cda

4/6



WEB COPY



Crl.O.P.No.25795 of 2025

To

- 1.The District Munsif cum Judicial Magistrate Court,
Kilvelur.
- 2.The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
- 3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

cda



WEB COPY



Crl.O.P.No.25795 of 2025

Crl.O.P.No.25795 of 2025

19.09.2025