



CRL OP NO. 31642 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31642 of 2024

Adhimoolam

S/o. Palanimuthu, No.6/389, Siruvachur Post and Taluk, Salem
District. and 13 Others

Petitioner(s)

Vs

The State by

The Inspector of Police, Thalaivasal Police Station, Salem
District. (Crime No.356/2024)

Respondent(s)

For Petitioner(s): Elavarasan M R

For Respondent(s): S.Santhosh, Government Advocate (Crl.Side)

For Intervenor : S.T.Bharath Gowtham

ORDER

Apprehending arrest in connection in connection with Crime No.356 of 2024,
registered for the offences punishable under Sections 191(2), 191(3), 329(4) of BNS
r/w 3 of TNPPDL Act.

2.Pleading innocence on the part of the petitioners, due to the pendency of a civil
dispute a false complaint has been given against the entire family members. He

would submit that the petitioners are ready to abide by any stringent condition that



may be imposed by this Court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the defacto complainant is running a petrol bunk in the property belonging to the wife of the accused viz., Kanagarani (A2) situated at Siruvachur. A1 being friend of the defacto complainant used to visit and supervise the work. In the meantime, the accused persons tried to sell the property and the same was refused by the defacto complainant. Aggrieved by the same, on 10.02.2022, the accused persons have tried to acquire the property by hiring henchmen and the defacto complainant lodged a complaint to the respondent police and had approached the High Court in W.P.No.6740 of 2022, after enquiry police protection was ordered. He would further submit that on 13.12.2023, the accused persons were continuously threatening the defacto complainant, in respect of which several complaints had been registered. Whiles, on 08.09.2024, at about 02.00 p.m., the accused persons damaged the fence and trespassed into the property belonging to the daughter-in-law of the defacto complainant and caused damage to the tune of Rs.2,00,000/-. He would further submit that as far as A1 is concerned, he has got 5 previous cases, however, they have been disposed of.

<https://www.mhc.tn.gov.in/judis>

4.The learned counsel for the intervenor / defacto complainant would submit that the



petitioners are taking law into their own hands, causing trouble to the def

complainant, in respect of which several complaints have been given. He would

further submit that the defacto complainant had earlier approached this Court in

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CrI.O.P.No.6740 of 2022 and this Court vide order dated 25.03.2022, had directed

the respondent police to conduct an enquiry and grant adequate protection to the

defacto complainant, despite the same, the petitioners have been continuously

rioting and causing threat to the life and property of the defacto complainant.

5.In reply, the learned counsel for the petitioners would submit that the first

petitioner is aged about 74 years and all those cases are prior to the year 2010 and

they have been disposed of. He would further submit that the petitioners are ready to

file an affidavit of undertaking stating that the dispute shall be settled before the

Civil Court and they will not create any problem to the defacto complainant.

6.Having heard the learned counsel for the petitioners, intervenor and the learned

Government Advocate (Criminal Side) for the respondent Police and perused the

materials available on record, this court is inclined to grant anticipatory bail to the

petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest

or on their appearance, within a period of fifteen days from the date on which the



order copy made ready, before the learned Judicial Magistrate No.II, Salem

condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees

Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction

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of the respondent police or the police officer who intend 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:

[a] the petitioners and the sureties shall affix their photographs and

Left Thumb Impression in the surety bond and the Magistrate may

obtain a copy of his Aadhar card or Bank pass Book to ensure their

identity;

[b] It is made clear that the petitioners shall not enter into the limits

of the respondent Police Station till 22.01.2025 and the petitioners

shall stay at Namakkal;

[c] the petitioner Nos.2 and 3 shall report before the Namakkal

Town Police Station on every day at 10.30 a.m. for a period of one

week and thereafter, as and when required; the petitioner Nos.1, 4 to

14 shall report before the Namakkal Town Police Station on every

day at 10.30 a.m. for a period of two weeks and thereafter, shall



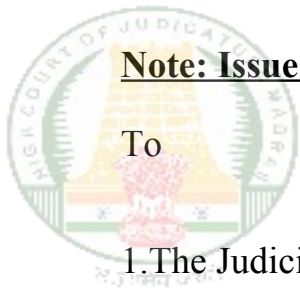
report before the respondent police on every day at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

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



Note: Issue Order copy on 09.01.2025.

To

1.The Judicial Magistrate No.II, Salem.

2.The State by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.356/2024)

3.The Inspector of Police,
Namakkal Town Police Station.

4.The Public Prosecutor, High Court, Madras.



A.D.JAGADISH CHANDIRA, J.

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