



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29674 of 2025

1. S.Shankar
2. D Jeeva
3. D. Surya
4. R. Maniyarasan
5. N. Thangadurai
6. G. Maruthudurai

Petitioner(s)

Vs

State Rep. by The inspector of police

Attur Town Police Station, Salem District. Crime No. 436/2025.

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to grant anticipatory bail to the petitioners in the event of their arrest or surrender in connection with the case in Crime No.436 of 2025 on the file of the respondent police.

For Petitioner(s): Mrs.Ranjitha Venkatesan

For Respondent(s): Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

**ORDER**

The petitioners apprehend arrest for the alleged offence under Sections 296(b), 191(2), 191(3), 115(2), 74, 333, 351(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Section 3(1) of TN Public Property (Prevention of damage and loss) Act, 1992, in Crime No.436 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The allegations against the petitioners is that, due to previous enmity with the defacto complainant over the issue of encroachment of a water channel, the petitioners attempted to demolish the house of the defacto complainant and also criminally intimidated him. Hence, the present complaint has been registered.

3. The learned counsel for the petitioners submitted that the occurrence did not arise solely out of previous enmity. He further submitted that, as per the advice of the revenue officials, the house of the defacto complainant was removed from the water body, and that a false case has been



foisted against the petitioners. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation in this case has revealed that the petitioners, by using a JCB, demolished a portion of the defacto complainant's house and stolen a gold chain worth about Rs.80,000/-, and also caused simple injuries to him. He further submitted that the co-accused has been granted bail by this Court in Crl.OP No.29248 of 2025 dated 28.10.2025. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Considering the value of the property damaged by the petitioners, the fact that the co-accused have already been arrested and subsequently released on bail and that the defacto complainant sustained only simple injuries, and further noting that the custodial interrogation of the petitioners is not necessary, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



7. Accordingly, **the petitioners are directed to deposit a sum of Rs.5,000/- each (Rupees Five Thousand only) to the credit of Crime No.436 of 2025** before the Trial Court. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned Judicial Magistrate - I, Attur**, on condition that **the petitioners shall execute a bond for a sum of Rs.20,000/- each (Rupees Twenty Thousand only)**, each with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners fail to surrender before the concerned Magistrate within a period of fifteen (15) days from 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 suretyship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;



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(c) The petitioners shall report before the respondent Police everyday at 10:30 A.M., for a period of two weeks, and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioners were released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

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- 1.State Rep. by The inspector of police
Attur Town Police Station, Salem
District. Crime No. 436/2025.
- 2.The Judicial Magistrate-I, Attur.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.

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