



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.33474 of 2025

1.Chinnathambi
2.Thottamuni

Petitioners

Vs

The State Represented by
The Inspector of Police,
Nangavalli Police Station,
Salem District.
Crime No.345 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.345 of 2025, on the file of the respondent police.

For Petitioners:

Mr.B.Kumarasamy

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioners were arrested and remanded to judicial custody on



22.11.2025 for the alleged offence punishable under Sections 189(2), 296(b), 118(1), 351(3) of BNS 2023 and Section 3(1) of TNPPDL Act, 1992 in Crime No.345 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioners is that the petitioners are ranked as A2 & A4 in this case, It is alleged that the petitioners joined hands with other accused, illegally trespassed into the property and damaged the fencing and other private structures. Hence, a complaint was lodged and the petitioner was arrested,

3. Learned counsel appearing for the petitioners submitted that there is an existing property dispute between the parties and these petitioners had already filed a civil suit and the same is also pending. He further submitted that both parties are claiming possession and the alleged act of demolition is a false implication arising out of the civil dispute. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that there are



totally 8 accused in this case and the petitioners herein are ranked as A2 and A4. He further submitted that the petitioners caused damaged to the fence to the tune of Rs.63,644/- and that the petitioners have no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5. On perusal of the FIR and other connected materials, it is seen that the petitioners entered into the property and damaged the fencing to the tune of Rs.63,644/- and quarrel and attacked the defacto complainant.

6. Considering the submissions made by the learned counsel on either side, the petitioners are not having any previous cases and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime Number 345 of 2025 and on such deposit and on receipt of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** each, with two sureties, for a like sum to the satisfaction of the *learned Judicial Magistrate No.I, Mettur*, and on further conditions that:-



[a] 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not tamper with the evidence or witness 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 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];

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[f] If the accused thereafter absconds, a fresh

FIR can be registered under Section 269 B.N.S.

08.12.2025

drl

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.I,
Mettur.

2.The Inspector of Police,
Nangavalli Police Station,
Salem District.

3.The Superintendent,
Sub Jail, Omalur.

4.The Public Prosecutor,
High Court, Madras.

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K.RAJASEKAR, J.,

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