



CRL OP(MD). No.2758 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CRL OP(MD). No.2758 of 2025

1.M Kanthimathinathan,
S/o.Muthuswamy,
105d, Palayamkottai Road West,
Thoothukudi-628 008.

2.G Muthusamy,
S/o.Gandhimathinathan,
105d, Palayamkottai Road West,
Thoothukudi-628008.

3.G M Mahesh,
S/o.Murugesan,
93c/84/8g/1, Kandan Colony,
1st Street West,
Thoothukudi-628 008.

... Petitioners/ Accused

Vs

The State of Tamilnadu,
The Inspector of Police,
South Police Station,
Thoothukudi.
(Crime No.32 of 2025).

... Respondent/ Complainant

For Petitioner : R.Ashokkumar
Advocate.

For Respondent : Mr.Gnanasekaran,
Government Advocate (Crl.Side).
Mr.R.Anand for Intervenor.



CRL OP(MD). No.2758 of 2025

WEB-GON PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2025 on the file of the respondent police

ORDER : The Court made the following order :-

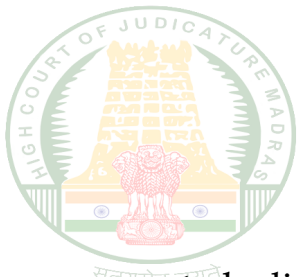
Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) for the State and the learned counsel for the intervenor.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 296(b) and 351(3) of B.N.S., 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.32 of 2025 on the file of the respondent police, seek anticipatory bail.

3.When the matter was taken up on the last occasion, the learned counsel for the intervenor submitted that the petitioners are obstructing the intervenor from getting electricity service connection. I, therefore, passed the following order on 14.03.2025:-

“Heard both sides.

2.The case was listed for hearing before the Hon'ble Mr.Justice R.Sakthivel. The Hon'ble Judge recused himself. Registry placed the note before the Hon'ble Administrative Judge. The Hon'ble Administrative Judge directed that the case should be listed before me. It is in this background, this Criminal Original Petition



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came to be listed before me.

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3.The learned counsel appearing for the intervenor states that the defacto complainant is carrying on hotel business in the petition mentioned site and that EB pole through which supply was being effected had been damaged.

4.TANGEDCO is directed to carry out the necessary repairs so that the supply will be restored to the defacto complainant. The jurisdictional Police are directed to extend their assistance also.

5.Mr.Gnanasekaran, learned Government Advocate (Criminal Side) undertakes that no coercive steps will be taken against the petitioners till the next hearing date.

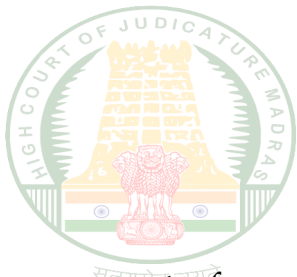
6.Call this case on 21.03.2025.”

It is admitted that the said order has been complied with.

4.The intervenor is at liberty to clear any sand heaped in front of his business establishment on his own. It shall not be prevented by the petitioners or any third party. If any such act of prevention is made, it shall amount to contempt of this Court.

5.The first petitioner is a practicing advocate and he is also senior citizen. The custodial interrogation of the petitioners is absolutely unwarranted in this case.

6.In view of the above, this court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the



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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.I, Thoothukudi, on condition that the petitioners shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the respondent police or the police officer who intends 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:

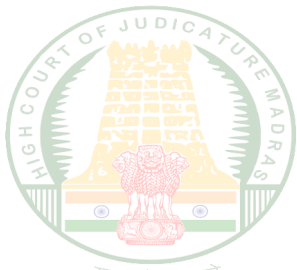
[a] the petitioners shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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



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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 229A IPC.

sd/-
02/04/2025

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/04/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I
THOOTHUKUDI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN
DISTRICT.

3 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI

+2 CC to M/s.R.ASHOK KUMAR, Advocate (SR-3765[I] dated 02/04/2025)



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ORDER

IN

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Date :02/04/2025

AS/ (04/04/2025) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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