



CRL OP(MD). No.4864 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 R. SAKTHIVEL

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1. Chittu

2. Gopi

... Petitioners/ A2 and A5

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Kalaiyarkovil Police Station,  
Sivagangai District.  
Crime No. 124 /2025.

... Respondent/ Complainant

For petitioners : Mr.B. Santhanam Rajesh Kumar  
Advocate.

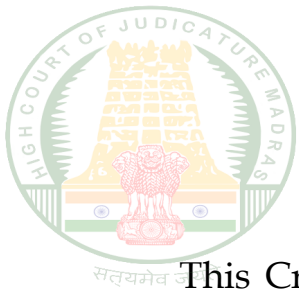
For Respondent : Mr.S. S. Manoj  
Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.124 /2025 on the file of the respondent - Police.

ORDER : The Court made the following order :-



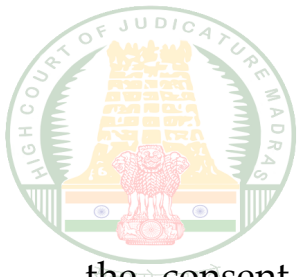
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This Criminal Original Petition has been filed by the petitioners on 13.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / accused Nos.2 and 5 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 329(2), 324(4), 303(1) (\*) 191(2) of BNS, 2023, in Crime No.124 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, in the year 1992, the defacto complainant purchased land in Survey No.151/15B from the father of the first accused through a sale deed and subsequently constructed a compound wall. At this juncture, a part of the adjacent land in Survey No.151/15A was acquired by the Government for the purpose of extending the public pathway/road. There was a dispute between the defacto complainant and A1 with regard to the said public pathway/road. The defacto complainant filed a suit in O.S.No.1 of 2024 against A1, A2 / petitioner herein and A3 and others before the District Munsif Court, Sivagangai, seeking a declaration that a part of the land in Survey No.151/15A, from Kalayarkovil to Silukkapati, is a public pathway/road and for a permanent injunction, and the same is still pending. In these circumstances, on 03.03.2025, the petitioner and other accused persons, with the help of the Head Surveyor and the revenue officials, surveyed the said land in Survey No.151/15A and fixed the boundaries without issuing notice to or obtaining



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the consent of the defacto complainant. Thereafter, the petitioner and others demolished the compound wall with the help of a JCB, causing damages worth about Rs.20 lakhs, and also committed theft of 52 bundles of groundnut belonging to the defacto complainant.

4. Mr.B. Santhanam Rajesh Kumar, the learned counsel for the petitioners, submits that the petitioners are innocent person, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submits that co-accused has already been released on bail *vide* order, dated 24.03.2025 in CrI.O.P(MD).No.5425 of 2025. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Crl. side) appearing for the respondent-police submits that the petitioners, along with other accused persons, trespassed into the land of the defacto complainant and caused damage to the wall and other buildings worth about Rs.3,00,000/-, and also committed theft of 52 bags of groundnut. He further submits that the investigation of the case is still pending and therefore, at this stage, if the petitioners is granted pre-arrest bail, they may abscond, commit similar offence and tamper with the evidence. Hence, he prays to dismiss this Criminal Original Petition.



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6. Heard on both sides. This Court has perused the records.

7. In view of the offence alleged against the petitioners and that the co-accused has already been released on bail, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the nature of allegation against the petitioners, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(ii) The petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.124 of 2025 before the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment



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before the concerned Court while executing sureties. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trials. The Magistrate / Trial Court can decide the entitlement of said deposit money on its final order / Judgment.

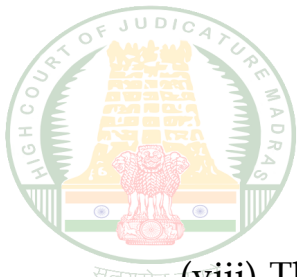
(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iv) The petitioners shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) at 10.30 a.m., and 05.00 p.m., until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(vii) The petitioners shall not leave India without the previous permission of the Court.



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work place.

(viii) The petitioners shall not enter into the defacto complainant's house or his

(ix) The petitioners shall furnish his residential address and mobile number to the concerned Magistrate.

(x) The petitioners shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-

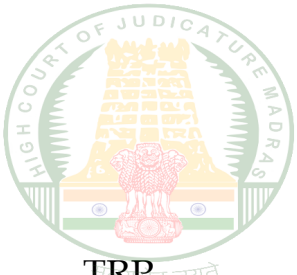
02/04/2025

(\*)Corrected as per Order of this Hon'ble Court dated 23.04.2025 in Crl OP(MD). No.4864 of 2025.

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



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TRP व जयदे

TO BE SUBSTITUTED WITH THE ORDER DATED 02.04.2025  
TO

1. THE JUDICIAL MAGISTRATE NO.I,  
SIVAGANGAI,  
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI.
3. THE INSPECTOR OF POLICE,  
KALAIYARKOVIL POLICE STATION,  
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN  
CRL OP(MD) No.4864 of 2025  
Date :02/04/2025

PP/SAR. /29.04.2025/7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
17/07/2023.