



Crl.O.P(MD)No.8792 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 12.06.2025

Pronounced on : 01.07.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD)No.8792 of 2025

and

Crl.M.P(MD)No.7363 of 2025

1.T.V.Senthilkumar
S/o.Venkatachalam

2.Shenbagavalli
W/o.Senthilkumar

3.Shankar @ EVS Shankar
S/o.Esakkimuthu

...Petitioners/
Accused Nos.3, 4 & 5

Vs.

The State of Tamilnadu rep. by
The Inspector of Police,
E.Pudur Police Station,
Trichy City.
(Crime No.147 of 2025)

...Respondent/Complainant



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PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.147 of 2025 on the file of the respondent police.

For Petitioners : Mr.V.Karuna

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.side)

For Intervenor : Mr.M.Jerin Mathew

ORDER

The petitioner seeks anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offence U/s.296(b), 324(4) of BNS, 2023 and U/s.67 of the Information Technology Act, 2000, in connection with Crime No.147 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant is the councillor of ward No.57 of Trichy Corporation. He wanted to carry out the removal work of encroachments in the public pathway as per the direction by the Hon'ble Madurai Bench of Madras High Court. On 29.03.2025, the defacto complainant asked the petitioners and other accused to remove the encroachments made by them on the public pathway for forming road storm drainage. But, the petitioners threw mud on the defacto complainant and abused him and also the accused captured the incident



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and published it in social media, which caused defame to the defacto complainant.

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3. The learned counsel for the petitioners has submitted that while removing drainage water at the instance of the defacto complainant, the wall of the Accused Nos.1 and 2 was damaged, hence, Accused Nos.1 and 2 questioned the same. As there was an earlier election motive between the defacto complainant and Accused Nos.1 and 2, the present case has been registered. The respondent police, without any preliminary enquiry, registered the case. The petitioners have not committed any offences as alleged by the prosecution. The petitioners apprehend arrest by the respondent police and so pray for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police has submitted that while the defacto complainant carried out the work for forking road storm drainage by removing encroachment made by Accused Nos.1 and 2, the petitioners along with Accused Nos.1 and 2 prevented the defacto complainant to execute the work by throwing mud on him and also used abusive filthy languages against him. He further submitted that the incident was captured by the accused and the same has been posted on the reel video through social media. Accused Nos.1 and 2 are absconding. The petitioners are Accused Nos.3 to 5, who seek anticipatory bail. If they are granted anticipatory bail, they tamper with the evidence and would not cooperate with the investigation. Hence, he prays not to



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grant anticipatory bail to the petitioners.

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5. The learned counsel for the intervening petitioner/defacto complainant submitted that the defacto complainant is a councillor of Ward No.57 at Trichy. The accused family encroached on the public road and did not allow to construct public road and storm water drainage. In the year 2018, the intervening petitioner already filed W.P(MD)No.7586 of 2018 before this court, in which direction was issued. The petitioners filed W.P(MD)No.28870 of 2022. This Court passed the order on 20.11.2023 in that writ petition, that if the encroached portion is in fact belonged to the petitioners, the same might be measured by an advocate commissioner and suitable compensation might be given. The encroached area was resurveyed by the revenue officials and by the advocate commissioner on 28.02.2025, and a report was filed to that effect on 24.03.2025. The petitioners were given an opportunity to file any petition, but they failed to do so. So the process of forming public road was continued, and encroachments were removed to form road storm drainage. The defacto complainant was not allowed to carry out the work and he was abused with filthy language by the accused and the same was captured by video, which was published in social media by the petitioners. The intervening petitioner has filed photos showing the previous condition and present change of the public pathway and also Whatsapp message. The petitioners will tamper with the evidence if they



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granted anticipatory bail.

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6. Heard and perused the available records. It is seen from the records that the defacto complainant, who is the councillor of ward No.57 at Trichy, made the public pathway in a neat and clean manner by removing encroachments. The petitioners disallowed him to remove the encroachments in spite of the direction of this Court in earlier petitions. The defacto complainant carried out public work, so it is alleged that the petitioners, along with Accused Nos.1 and 2, abused him with filthy language and threw mud on him. It is also alleged that the petitioners captured the incident through video and published the reel video in social media and posted the messages. The defacto complainant/intervene petitioner filed copies of images showing the present and previous condition of pathway and Whatsapp messages. So, there is a prima facie allegation and overtact as against the petitioners. The learned Government Advocate (Crl.side) submitted that Accused Nos.1 and 2 are still absconding and the petitioners/Accused Nos.3 to 5, who moved this Court for anticipatory bail. The petitioners obstructed the public work and published the occurrence in social media, which caused defame to the defacto complainant. The interrogation of the accused is necessary. The investigation is at preliminary stage. Considering the above facts and circumstances and the bad antecedents of the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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01/07/2025

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/07/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd
TO

1 THE INSPECTOR OF POLICE, E.PUDUR, TRICHY CITY.

2 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.KARUNA, Advocate (SR-6973[I] dated 01/07/2025)

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-7095[I] dated 03/07/2025)

ORDER
IN
CRL OP(MD) No.8792 of 2025
Date :01/07/2025

NBF/04.07.2025 6P/5C

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