

CRL OP(MD).No.9112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.9112 of 2025

and

CRL MP(MD).No.6711 of 2025

1.Vincent

2.Samuvel

... Petitioners / A1 and A2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.380 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.380 of
2025 on the file of the respondent police.

For Petitioners : M/s.A.Banumathy,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate (Criminal Side)

For Intervener : Mr.A.Arun Ramnath,
Advocate



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ORDER: The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(3), 296(b), and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.380 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is stated to be the owner of a property situated in Survey No. 732/11A, measuring 1 acre and 36 cents, and in Survey No.732/11B, measuring 2 acres and 27 cents, thus totaling 3 acres and 63 cents. He is said to have obtained a patta for the said property, thereafter fenced it, and also installed a CCTV camera. In these circumstances, it is alleged that the defacto complainant and the petitioners were already involved in a dispute regarding the fencing of the said property. Owing to this dispute, the petitioners allegedly dismantled the CCTV camera and damaged 55 cement fence posts. It is further alleged that the petitioners used filthy language against the defacto complainant and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the



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petitioners. He would further submit that there no previous cases against the petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that there are totally two accused persons in this case and the petitioners have been arrayed as A1 and A2. He would further submit that the accused persons dismantled the CCTV camera, damaged 55 cement fence posts, used filthy language against the defacto complainant, and threatened him with dire consequences. He would further submit that there are no previous cases against the petitioner. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioners at this stage.

5. The learned counsel for the defacto complainant would submit that the accused persons damaged the fence and CCTV camera, causing a loss to the defacto complainant to the extent of Rs.80,000/-. He would further submit that the accused persons have been continuously causing obstruction. Therefore, he opposes the grant of anticipatory bail to the petitioners.

6. This Court has heard the learned counsel on both sides and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and taking into consideration the nature of offence allegedly committed by the petitioners and



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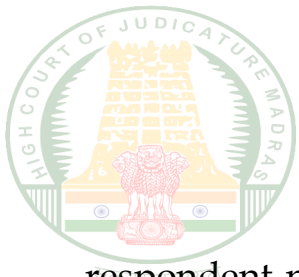
also taking note that there are no previous cases against the petitioners, this Court is
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inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Kalakkad on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned District Munsif cum Judicial Magistrate, Kalakkad and on further conditions that:

(a) the petitioners and 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 furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Kalakkad. In the event of any change in their residential address, the petitioners shall report the same to the learned District Munsif cum Judicial Magistrate, Kalakkad.

(c) the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of the Crime No.380 of 2025 on the file of the



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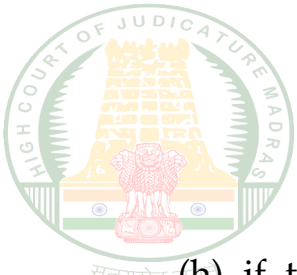
respondent-police, before the learned District Munsif cum Judicial Magistrate, Kalakkad, and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners and learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.380 of 2025. The Trial Court shall decide the entitlement to the deposit amount at the time of passing the final order or judgment.

(d) the petitioners shall report before the respondent police daily twice at 10.30 a.m. and 05.30 p.m. until further orders.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(f) the petitioners shall not abscond either during investigation or trial.

(g) 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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(h) if the accused thereafter abscond, a fresh FIR can be registered under
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Section 269 of BNS, 2023.

9. In the result, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
19/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KALAKKAD.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.9112 of 2025
Date :19/06/2025

NM/04.07.2025/ 7P/6C

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