



CRL OP(MD) NO. 22300 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04-12-2025

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

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1. Uchimakali
2. Shanmugam
3. Ganesan @ Ganesh
4. Ganesh Kumar
5. Nagaraj
6. Subbiah

Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police,
Melapalayam Police Station,
Tirunelveli District.
(Crime No. 346 of 2025)

Respondent(s)

For Petitioner(s):

Mr.S.Jai Surya Prakash

For Respondent(s):

Mr.S.S.Manoj,
Government Advocate (crl. Side)

Prayer: For anticipatory bail in Crime No. 346 of 2025 on the file of the respondent police.



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 189(2) and 132 of BNS Act, in Crime No. 346 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant/Village Administrative Officer, while inspecting the place, found that the petitioners failed to cooperate with the inspection and used filthy language against the officials. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged occurrence as stated by the prosecution. He further submitted that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, she seeks anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners had placed a Vinayagar statue in front of a hotel situated at Melapalayam, which was objected to by the other community people. He further submitted that there are eight previous cases pending against A-1.

5. However, the learned counsel appearing for the petitioners submitted that the statue had been removed.

6. Considering the facts of the case, even though there are eight previous cases pending against the petitioner, and also considering the fact that the statue has been removed, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the 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 Judicial Magistrate Court .V, Tirunelveli, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.



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10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Judicial Magistrate Court-V, Tirunelveli, Tirunelveli District failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 report before the respondent Police daily at 10.30 a.m., until further orders;

(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 petitioner released on



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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]* and;

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

04-12-2025

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To

1. The Inspector Of Police,
Melapalayam Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.