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Crl.O.P.No.239 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.239 of 2026

1. Sivaji @ Chinnasamy
2. Vivek

... Petitioners / A1 & A2

Vs

The State Rep. By,
The Inspector of Police,
Veeraganur Police Station,
Salem District.
(Crime No.161 of 2025)

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners herein on anticipatory bail in the event of their arrest by the respondent in Crime No.161 of 2025 on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

For Respondent : M/s. J.R. Archana
Government Advocate (Crl.Side)

ORDER

The petitioners herein, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(3), 296(b), 351(2) of

BNS 2023 r/w. Section 3 of Tamil Nadu Public Property (Prevention of Damage



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and Loss) Act, 1992, in Crime No.161 of 2025 on the file of the respondent Police, seek anticipatory bail.

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2. The case of the prosecution is that, the petitioners herein and other accused entered into the property which is in possession of the *de facto* complainant and damaged the fencing and also other materials kept therein and the total damages costs around Rs.2,50,000/-. Hence, this case.

3. The learned counsel appearing for the petitioners submitted that for very same occurrence, a counter case has been registered in which the petitioners categorically stated that their property is also damaged which costs around Rs.50,000/- and they have also been threatened with dire consequences and the case is also registered in Cr.No.160 of 2025 on the file of the very same police station and he further submit that as per the damages caused in this case is concerned it has been over exaggerated; and that the petitioners are ready to abide by any conditions that may be imposed by this Court and to co-operate for the investigation, hence sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the anticipatory bail to the petitioners reiterated



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the prosecution case and submitted that the investigation of this case is pending and there is one previous case as against the petitioners.

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5. Considering the submissions made, facts and circumstances of this case, nature of allegation, the fact that though there is one previous case against the petitioners they were granted bail and the fact that the acute cause of this case is a property damage and custodial interrogation of the petitioners is not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 **learned Judicial Magistrate No.I, Attur** on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each** for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of copy of this order, this Order shall stand automatically cancelled;



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[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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K. RAJASEKAR, J.

ssa

To

1. The Judicial Magistrate – I, Attur.
2. The Inspector of Police,
Veeraganur Police Station,
Salem District.
(Crime No.161 of 2025)
3. The Public Prosecutor,
High Court of Madras.

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