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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.4439 of 2026

1.Sekar
2.Nagappan

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Thiruvallur District.
(Crime No.8 of 2026)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioners on bail in Crime No.8 of 2026 on the file of the respondent police.

For Petitioners : Mr.S.Gopi

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.01.2026 for the alleged offences punishable under Sections 329(3), 324(5) and 351(2) of BNS, 2023 read with Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Lose) Act, 1984 in Crime No.8 of 2026,



registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, the defacto complainant, who has proposed a company in Gumpli Village, Gummodipoondi Taluk, for which he had agreement with Smith Structure India Private Limited in his own land at S.No.319/4 and 319/5 and started fencing the said land on 08.01.2026; that whileso, the petitioners herein, who belong to the same village objected the fencing work on the ground that the same is causing inconvenience to them and threatened the defacto complainant; that further, they damaged the compound wall of the defacto complainant's land by engaging JCB, thereby caused a damage to the tune of Rs.3,98,125/-. Hence, this case.

3. Earlier, this Court by order dated 30.01.2026 dismissed the bail petition in Crl.OP.No.2108 of 2026, on the ground that the value of the property damaged was huge and therefore, this Court is not inclined to grant bail to the petitioners.

4. Now, the learned counsel appearing for the petitioners submitted that the petitioners are in judicial custody since 09.01.2026 and that they are ready to abide by any conditions that may be imposed by this Court. He further submitted that the value of the property alleged to have been damaged is exaggerated its real value is less than Rs.1 lakh. Hence, he prays to grant bail to the petitioners.

5. Considering the submissions made by the learned counsel for the



petitioner, and the fact that the petitioners, without prejudice to their defense are willing to deposit a sum of Rs.50,000/- each to the credit of Crime No.8 of 2026, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, each to the credit of Crime Number 8 of 2026 and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail on their executing a separate 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 learned **District Munsif cum Judicial Magistrate, Gummudipoondi**, and on further conditions that:

[a] 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., for a period of three weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners shall not tamper with the evidence or witness 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 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];

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

23.02.2026

drl

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

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1. The District Munsif cum Judicial Magistrate,
Gummudipoondi.
2. The Inspector of Police,
Arambakkam Police Station,
Gummudipoondi Taluk,
Thiruvallur District.
3. The Superintendent,
Sub Jail, Ponneri.
4. The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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