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CRL OP No. 10872 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 10872 of 2026

1. Sakthivel
2. Naveen

..Petitioner(s)

Vs

State Represented by
The Inspector of Police,
Nagapatinam Town Police Station,
Nagapattinam
(Crime No.108/2026)

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the Petitioners on bail in the event of their arrest pending investigation in Crime No.108 of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Mr.R.Subramanian

For Respondent(s): Mr.P.Dhileepan
Govt.Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for offences punishable under Sections 118(1) and 324(4) of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No. 108



of 2026, seek anticipatory bail.

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2. The learned counsel for the petitioners, pleading innocence on the part of the petitioners and false implication in the case, seeks the indulgence of this Court. He would submit that the petitioners have not committed any offence as alleged by the prosecution and that the complaint was lodged due to previous enmity. However, without prejudice to their rights, the petitioners undertake to deposit 50% of the value of the damaged engine and have no objection to the said amount being disbursed to the de facto complainant. He also submits that there is a possibility of settlement between the parties.

3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing the grant of anticipatory bail, is that the petitioners and the defacto complainant are relatives. It is alleged that during a wordy quarrel, the petitioners assaulted the defacto complainant, damaged his boat, and threw the engine into the sea. He further submitted that the petitioners have no prior bad antecedents.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.



5. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, the undertaking given by the petitioners to deposit the loss amount, and considering the fact that the petitioners have no bad antecedents and that custodial interrogation is not required at this stage, this Court is inclined to grant anticipatory bail to the petitioners, subject to 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 (15) days from the date on which the order copy is made ready, before the Judicial Magistrate No.I, Nagapattinam, on condition that the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties, each for a like sum, to the satisfaction of the learned Magistrate concerned, and on further conditions:

[a] The petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.108 of 2026 before the concerned Magistrate. On such deposit, the learned Magistrate is directed to disburse the said amount to the defacto complainant upon the filing of an appropriate application for disbursement. The petitioners shall produce the original receipt of such deposit before the concerned Magistrate at the time of



executing the bond;

[b] If the petitioners fail to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[c] The sureties shall affix their photographs and left thumb impression in the application for suretyship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[d] The petitioners shall report before the respondent police daily at 06:30 a.m. for a period of two weeks, and thereafter, shall report on every Saturday at the same time for a period of one week, and subsequently, as and when required for interrogation;

[e] The petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] The petitioners shall make himself available for interrogation by a Police officer as and when required;

[g] The petitioners shall not abscond either during



investigation or trial;

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

[i] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

- 1.The Judicial Magistrate No.1, Nagapattinam.
- 2.The Inspector of Police, Nagapatinam Town Police Station, Nagapattinam.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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