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CRL OP No. 14512 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14512 of 2026

M.Kesavan

..Petitioner

Vs

State rep.by,
The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.
Cr.No.42 of 2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on anticipatory bail in the event of his arrest or remand in Cr.No.42 of 2026 on the file of the Inspector of Police, Madathukulam Police Station, Tiruppur District.

For Petitioner:

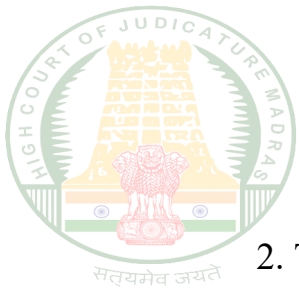
Mr.Karunakaran G

For Respondent:

Ms.R.Indira
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 305(e), 324(3), 296(b) and 315(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) in Crime No.42 of 2026 on the file of the respondent police seeks anticipatory bail.



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2. The case of the prosecution is that some individuals broke open a canal sluice to divert irrigation water to their lands, resulting in damage to public property and loss to downstream farmers. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that though the earlier application was dismissed on account of pendency of previous case, where the previous case has arisen only on account of participation in an agitation for a public cause, which factum is not seriously disputed by the learned counsel for Government of Tamil Nadu.



6. I have given my anxious consideration to either side submissions and perused the materials available on record.

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7. Considering the facts and circumstances of the case, taking note of the submissions made by the learned counsel on both sides, it is seen that in the case in hand, the co-accused has already been enlarged on anticipatory bail in CrI.OP.No.10685 of 2026 dated 07.05.2026 and the occurrence took place on 03.03.2026 and this is also a case agitating against the de facto complainant for release of water. Taking into consideration of the totality of the circumstances, at this length of time, custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Madathukulam, Tiruppur District**, on condition that **the petitioner shall execute a 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) If the petitioner fails 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;

(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 identify proofs to ensure their identity;

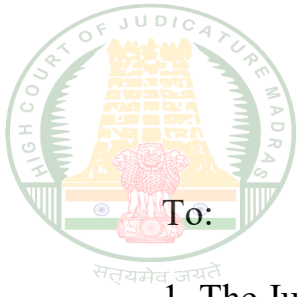
(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

SHL

09-06-2026



1. The Judicial Magistrate,
Madanthukalam, Tiruppur District

2. The Inspector of Police,
Madathukulam Police Station,
Tiruppur District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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09-06-2026