



CRL OP(MD). No.5 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.01.2026

PRESENT

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

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1. Raja

2. Siva Ganesh

3. Gowthaman

4. Perumayee

... Petitioners/Accused

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.389 of 2025)

... Respondent/Complainant

For Petitioners : Mr.C.Abul Kalam Azad

For Respondent : Mr.A.S.Abdul Kalaam Azad
Government Advocate (Crl. side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.389 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329, 324(2), 303(2) (NH) and 351(2) of BNS, in Crime No.389 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the accused persons conspired together, damaged the fencing, and took away fencing stones worth a sum of Rs.70,000/-. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that due to a property dispute, the accused persons damaged the fencing, and took away fencing stones worth a sum of Rs.70,000/-. Therefore, he opposed the grant of anticipatory bail to the petitioners.

5. There is a property dispute between the parties. According to the petitioners, the defacto complainant disturbed their possession, pursuant to which an FIR was registered. Subsequently, again there was a dispute between the petitioners and the defacto complainant and the present FIR came to be registered in respect of the same cause of action. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioners shall execute a bond for a



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sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 1 to 3 shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation. The fourth respondent shall report before the respondent police as and when required for interrogation;

(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 petitioner in accordance with law as if the



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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]*; and;

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

(S S Y J)
06.01.2026

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To

1. The Judicial Magistrate,
Uthamapalayam, Theni District.
2. The Inspector of Police,
Cumbum North Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY,J.

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ORDER
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