

(2025) 12 MAD CK 0024

Madras HC

Case No: Criminal Original Petition No. 33474 Of 2025

Chinnathambi And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Bharatiya Nyaya Sanhita, 2023-Section 118(1), 189(2), 269, 294(B), 351(3)
- Tamil Nadu Public Property (Prevention Of Destruction And Loss) Act, 1982-Section 3(1)

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: B.Kumarasamy, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioners were arrested and remanded to judicial custody on 22.11.2025 for the alleged offence punishable under Sections 189(2), 296(b), 118(1), 351(3) of BNS 2023 and Section 3(1) of TNPPDL Act, 1992 in Crime No.345 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioners is that the petitioners are ranked as A2 & A4 in this case, It is alleged that the petitioners joined hands with other accused, illegally trespassed into the property and damaged the fencing and other private structures. Hence, a complaint was lodged and the petitioner was arrested,

3. Learned counsel appearing for the petitioners submitted that there is an existing property dispute between the parties and these petitioners had already filed a civil suit and the same is also pending. He further submitted that both parties are claiming possession and the alleged act of demolition is a false implication arising out of the civil dispute. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that there are totally 8 accused in this case and the petitioners herein are ranked as A2 and A4. He further submitted that the petitioners caused damaged to the fence to the tune of Rs.63,644/- and that the petitioners have no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5. On perusal of the FIR and other connected materials, it is seen that the petitioners entered into the property and damaged the fencing to the tune of Rs.63,644/- and quarrel and attacked the defacto complainant.

6. Considering the submissions made by the learned counsel on either side, the petitioners are not having any previous cases and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime Number 345 of 2025 and on such deposit and on receipt of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mettur, 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;

[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.