



Crl.O.P.No.16717 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.16717 of 2026

1. Ananthan
2. Vijayalakshmi

.. Petitioners

Versus

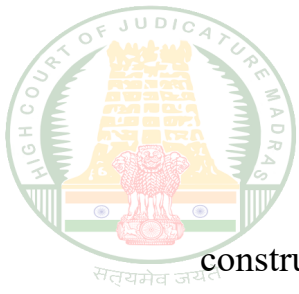
1. State represented by
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District,
Crime No.148 of 2026

2. Sivakumar

.. Respondents

(R2 is suomotu impleaded as per the order of
this Court, dated 30.06.2026 in Crl.O.P.No.16717 of 2026)

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to set-aside the conditions imposed in paragraphs 5(b), (d) and (e) of the order dated 19.06.2026 passed in Crl.M.P.No.990 of 2026 by the learned Principal District and Sessions Judge, Tiruvannamalai that conditions that b) Further the petitioners shall submit their 'undertaking' before the concerned Magistrate as they will not commit such type of offence in future, (d) directing the petitioners to appear before the Judicial Magistrate No.I, Tiruvannamalai twice daily at 10.00 A.M and 5.30 P.M for 30 days, and (e) restraining the petitioners from engaging in



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construction work for two months.

(Prayer amended as per the order of this Court in
Crl.M.P.No.12559 of 2026 in Crl.O.P.No.16717 of 2026,
dated 21.07.2026)

For Petitioners : Mr.M.Sridhar

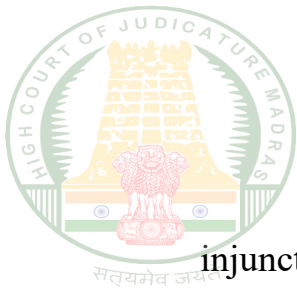
For Respondents : Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side), for R1

: Mr.R.Thirumoorthy, for R2

ORDER

The prayer in this Criminal Original Petition is to set aside the conditions 5(b), 5(d) and 5(e) of the order, dated 19.06.2026 in Crl.M.P.No.990 of 2026 passed by the learned Principal District and Sessions Judge, Tiruvannamalai.

2. Learned Counsel for the petitioners would submit that as far as the condition 5(d) is concerned, it requires the petitioners to sign before the learned Judicial Magistrate No.I, Tiruvannamalai twice everyday at 10.00 A.M and 5.30 P.M for a period of 30 days. The petitioners would be put to extreme hardship in that regard. As far as the condition 5(e) is concerned, the learned Counsel would submit that when the entire issue is with reference to a civil dispute, the learned Judge has granted almost an



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injunction order not to carry on further construction work for two months.

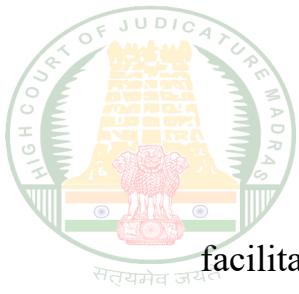
The said civil relief cannot be granted by way of a condition in the anticipatory bail application.

3. The learned Counsel for Government of Tamil Nadu (Criminal Side) for the first respondent would submit that when the petitioners were granted anticipatory bail, considering the serious allegations made, the conditions were imposed.

4. The learned Counsel for the second respondent would submit that while carrying out the construction work, the petitioners are encroaching into the boundary of the second respondent. Therefore, the condition 5(e) was imposed.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Considering the hardship that is pleaded with reference to the condition 5(d), since the matter is at the investigation stage, the petitioners can be ordered to appear before the respondent Police which will also



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facilitate the investigation. The petitioners shall appear before the respondent Police twice in a week i.e., every Monday and Friday at 10.30 A.M for a period of four weeks and thereafter, the condition shall stand relaxed. As far as the condition 5(e) is concerned, it is true that the Court cannot grant any civil remedy by way of a condition while granting anticipatory bail. However, considering the overall facts and circumstances of the case, the Court only granted limited remedy for 60 days so as to enable any of the parties to approach the Civil Court, if any. Since it is a boundary dispute, it cannot be said that the Trial Court was entirely wrong. However, when the relief was granted, only for a breathing time for the parties to approach the Civil Court, it cannot be for a period of 60 days, especially, when it is contested that the petitioners are building within their own premises. In view thereof, the condition granted in 5(e) is modified as upto 31.07.2026.

7. In view thereof, this Criminal Original Petition is disposed of on the following terms:-

(i) The condition in 5(d) shall stand modified as the petitioners shall appear before the respondent Police at 10.30 A.M on every Monday and Friday for a period of four weeks and thereafter, the said condition



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shall stand relaxed;

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(ii) The condition in 5(e) is modified as the petitioners cannot involve in further construction until 31.07.2026 and thereafter, the parties shall abide by the orders of the Civil Court, if any;

(iii) In view of the above modifications in 5(d) and 5(e), the condition 5(b) shall stand deleted;

(iv) The other conditions imposed by the Trial Court shall stand unaltered;

(v) In view of the conditions being modified, two weeks time, from the date of receipt of a web-copy of this order, is also granted for the petitioners for complying with the conditions.

21.07.2026

Neutral Citation : no
grs

To

1. The Principal District and Sessions Judge,
Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.

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D.BHARATHA CHAKRAVARTHY, J.

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