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CRL OP No. 22344 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

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THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 22344 of 2026

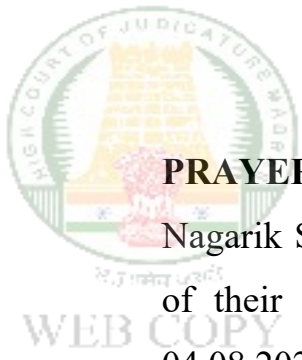
- 1.Jothiramalingam
187/2, Kongu Nagar,
Udumalai Road, Chitravanthanpalayam,
Thiruppur-638657.
- 2.Thangamani,
187/2, Kongu Nagar Lawers Colony,
Kondarasampalayam C R Palayam Post,
Chitravanthanpalayam,
Tiruppur-638 657.
- 3.Ganesh Babu,
191, Nachimuthu Pudhur,
Dharapuram,
Tiruppur-638 656.
- 4.Manikanda Prabhu,
187/2, Kongu Nagar,
Chitravanthanpalayam,
Tiruppur-638 657.
- 5.Manjula Devi,
191, Nachimuthu Pudhur,
Dharapuram,
Tiruppur-638 656.

...Petitioners

Vs

State rep.by
The Inspector of Police,
Dharapuram Police Station,
Tiruppur.
Cr.No.377 of 2026.

...Respondent



PRAYER: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest by the Respondent police in Crime No.377 of 2026 dated 04.08.2026.

For Petitioner(s): Mr.Karthikei Balan.S

For Respondent(s): Mr.R.Rajasekaran,
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 324(3), 331(3), 296(b), 351(3) of Bharatiya Nyaya Sanhita, 2023, in Crime No.377 of 2026 on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioners is that the dispute between the parties is purely civil in nature, relating to the possession and enjoyment of immovable property. The proper remedy available to the de-facto complainant, if any, is before the competent civil court for enforcement of any order or decree. The subject property was lawfully purchased by the 2nd peittioner on 14.07.2004 under registered Sale Deeds bearing Document Nos.2054, 2055 and 2056 of 2004. Since the date of purchase, the 2nd petitioner and his family have been in continuous and peaceful possession and enjoyment of the property as absolute owners. Further, pursuant to the complaint given by the de-facto complainant, the petitioners and their family members were subjected to continuous interrogation by the respondent police. During the inquiry, the police



insisted that they vacate the residential houses immediately and threatened them with arrest and detention, despite the dispute being purely civil in nature.

Hence, the present case has been filed.

3. The learned counsel for the petitioners submitted that the petitioners were innocent and that they have been falsely implicated in this case. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioners have no criminal antecedents. He further submitted that there is no previous cases are pending against them. Hence, he opposed to grant anticipatory bail to the petitioners.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. It is submitted that the dispute is civil in nature and that the petitioners were originally the owners of the property.

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7. The learned counsel for the petitioners submitted that the petitioners had borrowed a loan from the de-facto complainant and, as security for the said loan, executed a Power of Attorney in respect of the residential property. Without the knowledge of the petitioners, the de-facto complainant executed a Sale Deed in his favour based on the said Power of Attorney.

8. It is further submitted that the Power of Attorney was executed only as security for the loan transaction and there was no intention to sell the property. Therefore, the Sale Deed executed in favour of the de-facto complainant is a sham document. The petitioners were unaware of the registration of the Sale Deed in 2021, and the de-facto complainant did not seek possession of the property until recently. It is also submitted that the de-facto complainant has filed a civil suit for injunction and obtained an ex parte interim order. The petitioners had earlier filed a petition for anticipatory bail, and by order dated 14.07.2026, this Court directed them to participate in the enquiry, as only a petition enquiry was pending before the police at that stage.

9. Taking advantage of the said order, the learned counsel for the petitioners submitted that the police subsequently registered the FIR. The FIR



itself states that the case was registered pursuant to the order passed by this Court.

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10. Considering the nature of the dispute between the parties, this Court is of the firm view that the custodial interrogation of the petitioners are not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

11. Accordingly, the petitioners are 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, Dharapuram, Tiruppur**, on condition that **the petitioners 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 petitioners 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;



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(c) The petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks 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 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]*;

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

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To

- 1.The Judicial Magistrate,
Dharapuram, Tiruppur.
- 2.The The Inspector of Police,
Dharapuram Police Station,
Tiruppur.
- 3.The Public Prosecutor,
Madras.



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N.RAMESH, J.

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