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Crl OP No.3037 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3037 of 2025

1. P.Srinivasan
2. K.P.Jagatheesan
3. K.P.Koteeswaran ... Petitioners/A1 to A3

Versus

State Represented by
The Inspector of Police,
V-7, Nolambur Police Station,
Thiruvallur District.
(Cr.No.13 of 2025) ... Respondent/complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on anticipatory bail in the event of their arrest in Cr.No.13 of 2025 on the file of the respondent police.

For Petitioners : Mr.Sathish Rajan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 115(2), 351(2) of BNS r/w Section 4 of TNWH Act in Crime No.622 of



2024, seek anticipatory bail.

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2. The case of the prosecution is that the defacto complainant is a tenant under the 1st petitioner/A1; that on account of a dispute between them, the 1st petitioner and the other petitioners entered into the property in occupation of the defacto complainant and took away valuable articles; that the defacto complainant had lodged a complaint which was pending enquiry in CSR No.39 of 2025; that in the said enquiry, it was represented by the petitioners that the articles are still available in the house; that when the defacto complainant went and verified, she found the articles missing; that thereafter, the petitioners had pushed the defacto complainant and did not permit the defacto complainant to enter into the house.

3. The learned counsel for the petitioners submitted that the defacto complainant is a chronic defaulter; that though the rent was adjusted towards the advance amount received, the defacto complainant is still due to pay a huge sum; that the defacto complainant vacated the premises on 18.01.2025 and has made false allegations; and considering

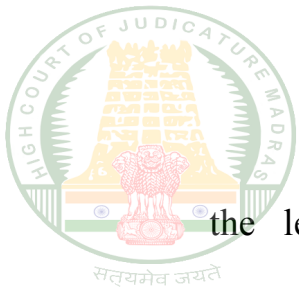


the nature of dispute, custodial interrogation is not required and sought for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that this is a dispute between the landlord and the tenant.

5. Considering the aforesaid facts and the fact that the allegations essentially disclose only a landlord-tenant dispute, this Court is of the view that custodial interrogation of the petitioners is not required and hence is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate, Ambattur** on condition that each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of



the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 conditions have been imposed and the Petitioner is 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 BNS.

24.02.2025

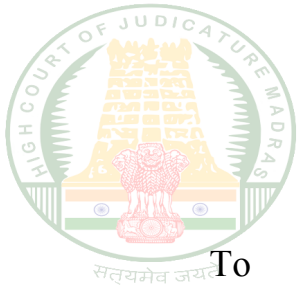


Vv/ars

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To

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1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
V-7, Nolambur Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv/ars

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