



WEB COPY

CRL OP NO. 5280 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5280 of 2025

1.Mohan Raj
2.Sumathi
3.Saranya
4.V.Sankar
5.S.Poongudi

Petitioners

State Rep By,
The Inspector Of Police,
Tiruvallur Taluk Police Station,
Tiruvallur
(crime No 43 of 2025)

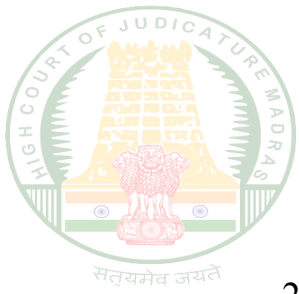
Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on anticipatory bail, in the event of arrest in Crime No.43 of 2025 on the file of the respondent police.

For petitioners : Mr.K.Karthik
For Respondent : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3(5), 61(2), 316(2), 318(4), 191(2), 329(4), 324(3), 296(b), 351(3) of the BNS, 2023 in Crime No. 43 of 2025 on the file of the respondent police, seek anticipatory bail.



WEB COPY

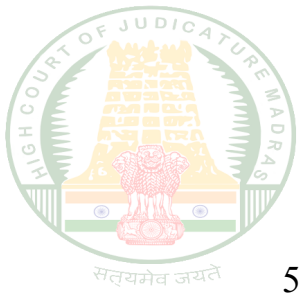
CRL OP NO. 5280 of 202



2. The case of the prosecution is that the first petitioner and the de facto complainant entered into agreement for construction of a residential building; that he did not complete the construction work as per the agreement; that he demanded higher amount for the additional work; that when the de facto complainant questioned the first petitioner, he stopped the work and locked the premises for not paying the balance amount; that thereafter, on 20.01.2025 at about 4:00 p.m., the petitioners went to the house of the de facto complainant, abused and assaulted him.

3. The learned counsel for the petitioners submitted that there is a dispute between the contractor and the land owners; that the first petitioner had not locked the premises of the de facto complainant as alleged and that in any case custodial interrogation of the petitioners is not required for the purpose of investigation and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that there is a dispute between the contractor and the de facto complainant and that the possession of the property is not with the de facto complainant.



WEB COPY

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. Considering the fact that there is a money dispute between the petitioners and the de facto complainant; that the de facto complainant is now in possession of the property; nature of allegation, and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate No.1, Tiruvallur** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

SUNDER MOHAN, J.
vca

[b] the first petitioner shall report before the respondent police twice a week on Monday and Thursday at 10:30 a.m., until further orders and



CRL OP NO. 5280 of 202



petitioners two to five shall report before the respondent police as and when required;

WEB COPY

[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 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 of BNS.

03.03.2025

vca

To

- 1.The Inspector Of Police,
Tiruvallur Taluk Police Station,
Tiruvallur
(crime No 43 of 2025)
2. The Judicial Magistrate No.1, Tiruvallur
- 3.The Public Prosecutor,
High Court, Madras.

CRL OP NO. 5280 of 2025