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Crl.O.P.No.5506 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5506 of 2025

1. B.R. Damodaren
2. J. Shanmugasuntharam

Petitioner(s)

Vs

The State Rep. by
The Inspector of Police,
V-7, Nolambur Police Station,
Thiruvallur District
(Crime No.13 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.13 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Sathis Rajan

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



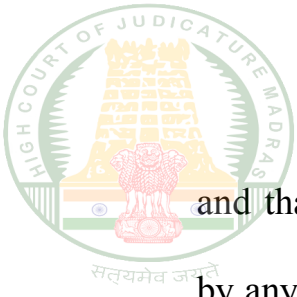
ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 115(2), 351(2) of BNS (Sections 292, 321, 503 of IPC) r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.13 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the defacto complainant's son is a tenant under A1; that the petitioners (A4 and A5) along with other accused persons broke open the lock of the defacto complainant's house, illegally trespassed and committed theft of the articles; that when the defacto complainant questioned the same, she was abused and assaulted by them. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by the prosecution; that the co-accused/ A1 to A3 were granted anticipatory bail by this Court vide order dated 24.02.2025 in CrI.O.P.No.3037 of 2025;



and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that it is case of landlord and tenant dispute; that the petitioners have been arrayed as A4 and A5 in this case; that the co-accused/A1 to A3 were granted anticipatory bail; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioners.

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

6. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the co-accused



were granted anticipatory bail and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 made ready, before **the learned Judicial Magistrate, Ambattur** on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 everyday at 10:30 a.m., until further orders.



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Crl.O.P.No.5506 of 2025



[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

28.02.2025

stn

To

The Inspector of Police,
V-7, Nolambur Police Station,
Thiruvallur District
(Crime No.13 of 2025).



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SUNDER MOHAN, J.

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Crl.O.P. No.5506 of 2025

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