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CRL OP NO.6025 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.6025 of 2025

1. Pazhanisamy @ Rangasamy
2. Kumar
3. Deepak

petitioners/A1 to A3

Vs

State Rep By,
The Inspector Of Police
Reddiarpalayam Police Station,
Puducherry.
(Cr.No 39 of 2025)

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners / Accused on
anticipatory bail in the event of arrest in Crime No. 39 of 2025 pending
on the file of the respondent police.

For petitioners	:	Mr.Rajan A N
For Respondent	:	Mr.K.S.Mohandoss Public Prosecutor (Puduchery)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 331(4) and
305(a) of the BNS Act in Crime No. 39 of 2025, on the file of the



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respondent police, seek anticipatory bail.

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2. The case of the de facto complainant is that the first petitioner is the landlord of the premises in which the de facto complainant was a tenant; that on 05.02.2025 at about 7:45 a.m., when the de facto complainant went to his shop, he found that the shop was broke open; that some of the articles in the shop viz., xerox machine, Computer, Printer and Colour Printer and some other articles were found to be damaged; and that he suspected the involvement of the petitioners in the alleged offence and hence, FIR was registered.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; that the first petitioner is aged about 89 years; that the second and the third petitioners are the son and grandson of the first petitioner respectively; that there are disputes between the landlord and the de facto complainant; that in fact the de facto complainant agreed to vacate the premises within a period of three months; that in order to violate the said agreement, he had lodged various complainants; that he had filed Civil Suit in O.S.No.79 of 2025 in vacating him from the premises and that the instant case has been filed to



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avoid his eviction from the premises.

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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 was a dispute between the landlord and the de facto complainant and that the first petitioner is aged 90 years.

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. A reading of the FIR would show that the complaint was lodged on suspicion; that the first petitioner/landlord is aged about 90 years; that there is a landlord and tenant dispute. Considering the aforesaid facts, this Court is of the view that custodial interrogation is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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 **Judicial Magistrate II Court, Puducherry** 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 first petitioner shall report before the respondent police as and when required;

[c] the second and third petitioners shall report before the respondent police twice a week on every Monday and Thursday at 10:30 a.m., until further orders.

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.



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[f]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].

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

05.03.2025

vca

To

1. The Inspector Of Police
Reddiarpalayam Police Station,
Puducherry.

(Cr.No 39 of 2025)

2. The Judicial Magistrate II Court,
Puducherry

3.The Public Prosecutor,
High Court Madras.



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SUNDER MOHAN, J.

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