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CRL OP Nos.10009 & 10181 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP Nos. 10009 & 10181 of 2025

CRL OP No. 10009 of 2025:

1. S. Alexander

S/o.Selvaraj, 384, John Kennady Nagar,
Vysarpadi, Chennai - 600 039.

2. S.Murugan

S/o. Sekar, 29, Balakrishnan Street,
Vysarpadi, Chennai - 600 039.

3. Rajan Murugesan

S/o. Murugesan, No.1, 16th Street,
Ezhil Nagar A Block, Kodungaiyur,
Chennai - 600 118.

Petitioner(s)

Vs

1. The Inspector of Police,
T15, Kannagi Nagar Police Station,
Cr.No.105/2025.

Respondent(s)

PRAYER To enlarge the petitioners on bail in the event of his arrest by the respondent police pending investigation in Cr.No.105 of 2025 on the file of the



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respondent police.

For Petitioner(s): Mr.N.L.Rajah, Senior Counsel
for Mr.Mukesh Kannah

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl.side)

CRL OP No. 10181 of 2025

1. M.Nagaraj
s/o. Murugan, 4/9, Rajavelu Street,
Royapuram, Chennai-600013.

2. R.Thulasi Manikandan

S/o. Rajendran 1, Vandalur Ranga Pillai
Street, Chennai, Chennai. 600001.

3. P.M.Srinivasan

S/o. Mohan, No. 5, Muththaiya Mudali
Street, Old Washermenpet,
Washermanpet, Chennai

..Petitioners

Vs.

1. The Inspector of Police
T15 Kannagi Nagar Police Station
Cr.No.105/2025

..Respondent

PRAYER To enlarge the petitioners on bail in the event of his arrest by the respondent police pending investigation in Cr.No.105 of 2025 on the file of the respondent police.



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For Petitioner(s): Mr.R.Suresh Babu
for Mr.Mukesh Kannah

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl.side)

COMMON ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(3), 329(4), 115(2), 324(4), 324(5), 324(6), 351(3), 61(2) of BNS, 2023 and Section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.105 of 2025 on the file of the respondent police, seek anticipatory bail.

2. (i) The case of the prosecution is that there is a civil dispute between A1, A2 on the one hand and the defacto complainant with regard to a property measuring a total extent of 65836 sq.ft. in S.No.137-B/3A2 (As per Patta 173-B/3A2A) at Karapakkam Village, OMR Road; that claiming that there is an injunction order passed by the District Munsif Court, Sholinganallur, a group of lawyers including the petitioner barged into the premises along with certain others, beat up the employees of the defacto complainant, committed mischief



and damaged the property, including the CCTV cameras and the memory card
and thus committed the aforesaid offences.

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(ii) It is the further case of the prosecution that A1 and A2 had engaged the lawyers and others to forcibly enter into the premises of the defacto complainant and to vacate them on the strength of the injunction order; that A4, a lawyer by profession was given authority by A1 and A2 to present the injunction order at any time in order to protect the interest of the companies.

3.The co-accused (i.e.) A1, A2 and A4 filed petition for anticipatory bail in Crl.O.P.Nos.8329 & 7856 of 2025 and this Court vide order dated 15.04.2025 has passed an order. The relevant portion of the said order is extracted hereunder:-

“7. This Court has carefully considered the rival submissions and perused the available records.

8. According to the petitioners, they had paid the entire sale consideration for the disputed property to the defacto complainant and the possession was handed over to them as early as in the year 2023. It is not in dispute that the 2nd respondent had earlier filed a suit and obtained an order of which was vacated



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subsequently on 04.10.2024 in OS No.997 of 2024, on the file of the District Munsif cum Judicial Magistrate, Sholinganallur.

9. It is also not in dispute that the petitioners had filed a suit for permanent injunction in O.S.No.40 of 2025 and an order of interim injunction was passed by the District Munsif cum Judicial Magistrate, Sholinganallur on 05.03.2025, in I.A.No.2 of 2025 in O.S.No.40 of 2025.

10. It is the case of the 2nd respondent in Crl.OP.No.7856 of 2025/defacto complainant that they have now filed the petition to vacate the said interim order; that the sale consideration agreed was Rs.103 Crores and the petitioners are due to pay the balance sale consideration of Rs.53 Crores; and that the petitioner by adopting a similar modus operandi, has cheated several others in respect of other properties as well.

11. This Court is not called upon to decide the dispute between the parties as regards the ownership or possession of the disputed property. The question is whether the petitioners had forcibly entered into the property after obtaining an order of injunction in the civil Court. The petitioners have admitted the fact that lawyers did go to the disputed property to explain the order passed by the civil Court, though they deny the fact of trespassing and causing damage to the property and injury to the employees. The photographs produced on the side of the defacto complainant and the video footage suggest that a group of persons wearing white shirt and black



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trousers had barged into the property by pushing the security persons in an aggressive manner and shouting at the persons in the premises. The petitioners claim that the lawyers belonging to the defacto complainant also were present at the disputed property to defend their clients.

12. The sequence of events narrated by the parties reveals a painful situation. The lawyers have acted as henchmen for the litigants. They are expected to use the brain and not the brawn. The instant case confirms that some of the lawyers, unfortunately, have forgotten / or not been told that they belong to a noble profession. It is also informed by the learned Government Advocate (Crl.Side) that this has been done in an organized manner, where lawyers have WhatsApp groups and junior lawyers are engaged to specifically indulge in such activities and get away under the cloak of this profession.

13. Litigants indulging in such activities is not new and the Court has to deal with such activities and resolve the disputes. However, lawyers identifying themselves with the litigants and indulging in such activities cannot be pardoned. They are expected to behave in a dignified manner. The Bar Council of India (BCI) has framed rules in this regard. As a reminder to the lawyers, this Court extracts the relevant rules here. Rule 4 reads as follows:

4. Refuse to act in an illegal manner towards the opposition

An advocate should refuse to act in an illegal or improper manner towards the opposing counsel or the



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opposing parties. He shall also use his best efforts to restrain and prevent his client from acting in any illegal, improper manner or use unfair practices in any matter towards the judiciary, opposing counsel or the opposing parties.

14. Further the rules relating to Advocate's duty to opponents, reads as follows:

1. Not to negotiate directly with opposing party

An advocate shall not in any way communicate or negotiate or call for settlement upon the subject matter of controversy with any party represented by an advocate except through the advocate representing the parties.

15. In any case, it is not a part of lawyers' duty to enter into the premises even under the guise of explaining the order. In this case, according to the prosecution, unfortunately, the lawyers have acted like henchmen. Further, the conduct of the petitioners in engaging lawyers to do such activities, if found to be true in the trial, is highly condemnable. However, in view of the civil litigations pending between the parties, this Court does not wish to further dilate on this aspect. Hence, there cannot be any doubt that the prosecution against the petitioners is justified. This Court hastens to add that the above observations are made only for the purpose of deciding these bail petitions. The question before this Court is not whether an offence had been committed, but whether the actions or the offences committed by the petitioners, as alleged by the prosecution, warrant arrest and custodial interrogation. It is well settled that the arrest is not required in all cases. Arrest and detention during investigation is not punishment. The nature of the allegations in this case suggests that



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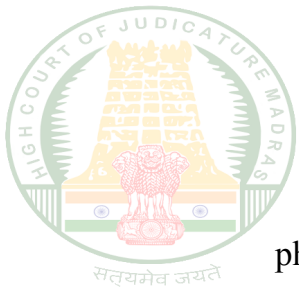
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custodial interrogation is not required. It is for the prosecution to establish its case before the trial Court.

4. The petitioners are also lawyers who are said to have entered the premises. Hence this Court is of the view that custodial interrogation of the petitioners is not required. The observations of this Court which has been extracted above would be applicable to the petitioners as well. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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, Sholinganallur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 and on further condition that:



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[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 daily at 10.30 a.m., until further orders.

[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.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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SUNDER MOHAN J.

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To

- 1.The Inspector of Police,
T15, Kannagi Nagar Police Station,
- 2.The Judicial Magistrate, Sholinganallur.
- 3.The Public Prosecutor, High Court, Madras.

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