



CRL OP NO. 12146



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2025

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WEB COPY

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 12146 of 2025

1.C.Arumugam
2.Sandhiya

Petitioner(s)

Vs

The State of Tamil Nadu Rep.by, The Inspector of Police,
Kaveripattinam Police Station, Kaveripattinam, Krishnagiri
District.

Crime No. 227 of 2024 .

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.227 of 2024 on the file of the respondent police.

For Petitioner(s):

Mr.P.Mani

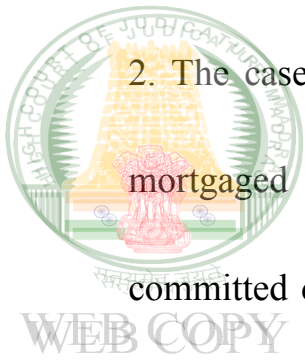
For Respondent(s):

Mr.R.Vinothraja

Government Advocate (Criminal side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 294 (b), 341, 427, 448 & 506 (1) of I.P.C, in Crime No.227 of 2024, seek anticipatory bail.



2. The case of the prosecution is that the petitioners had owned immovable and mortgaged the same with the defacto-complainant and availed loan. Thereafter, they committed default. In pursuant to the default, the properties owned by the petitioners were attached and sealed. Even then the petitioners broke open the seal and trespassed into the property. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that they never broke open the seal and already they are tenants in the subject property. Hence, he sought for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor reiterated the prosecution case and vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the defacto-complainant would submit that already petitioners filed an application for anticipatory bail before the District Court and the same was dismissed. They were keep on indulging in same kind of illegalities. Therefore, custodial interrogation of the petitioners are very much required in this case.



6. Admittedly the petitioners are owners of the property and the property is under attachment. Therefore, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall not interfere with the peaceful possession and enjoyment of the property already attached by the defacto-complainant. If they violated the condition, the anticipatory bail stands automatically cancelled and the respondent is at liberty to secure the petitioners and proceed in accordance with law.

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 is made ready, before the learned **Judicial Magistrate No.1, Krishnagiri**, 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, 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 daily at 10.30 a.m for a period of fifteen days; thereafter as and when required for interrogation; the second petitioner shall



report before the respondent Police as and when required for interrogation.

[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 229A IPC.

23-06-2025

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G.K.ILANTHIRAIYAN, J.

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To
1. The State of Tamil Nadu Rep.by, The Inspector of Police,
Kaveripattinam Police Station,
Kaveripattinam,
Krishnagiri District.
Crime No. 227 of 2024 .



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