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CrI.O.P.No.15516 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.07.2025  
PRONOUNCED ON : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15516 of 2025

1.M.Rahul  
2.V.Srinivasan

... Petitioners

Vs.

State Rep by The Inspector of Police,  
P-3 Vyasarpadi Police Station,  
Vyasarpadi,  
Chennai District.  
(Cr.No.165/2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in  
the event of their arrest in Cr.No.165 of 2025 on the file of the respondent  
Police.

For Petitioners : Mr.P.Arumugavel

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

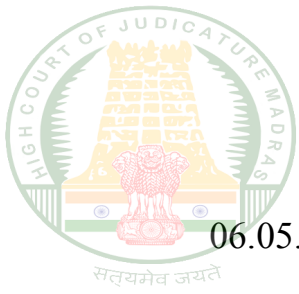


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## ORDER

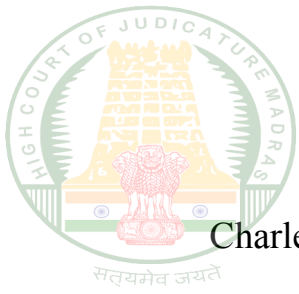
**WEB COPY** The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 296(b), 308(5) & 351(1) of BNS in Crime No.165 of 2025, on the file of the respondent Police, seek anticipatory bail.

2.Gist of the case is that on 13.05.2025, the defacto complainant lodged a complaint stating that her son Charles is an Office Bearer in Tamil Nadu Goods Shed Loadmen Labour Association and he was pressurized and threatened by A1/Nagendran and his family to handover goods shed operation to them or to pay protection money. The defacto complainant's daughter-in-law Ashwini earlier lodged a complaint against A1/Nagendran and his gang for similar threat and a case is pending trial before the learned X Metropolitan Magistrate, Egmore, Chennai. A2/Vishalakshi wife of A1/Nagendran threatened the defacto complainant for not handing over shed operation to her. One Muniyandi/A3, a relative of A1/Nagendran directed the defacto complainant to go and meet A1/Nagendran in jail. The 1<sup>st</sup> petitioner/A4, associate of Ashwathaman son of A1 & A2, further threatened the defacto complainant that her son Charles so far not met A1 in jail. On



06.05.2025, A3/Muniyandi took the defacto complainant and her sister Uma to Central Prison, Vellore and met gangster A1 who threatened and instructed the defacto complainant and her son to handover the shed operation to 1<sup>st</sup> petitioner/A4 or to pay monthly protection money. After coming out, A3/Muniyandi again confirmed the threat and directions given by A1/Nagendran which was further reiterated by A2/Vishalakshi. Fearing for life and also for demanding rowdy mamool/protection money by the accused, the above complaint lodged by the defacto complainant.

3.Learned counsel for the petitioners submits that the 1<sup>st</sup> petitioner is an Advocate and he has not committed any offence as alleged. Since the 1<sup>st</sup> petitioner was a friend of Ashwathaman another Advocate who is now unfortunately arrested in a murder case, now the petitioner is targeted and not allowed to carry on his legal work. Taking advantage of the absence of A1/Nagendran and his son Ashwathaman, the respondent Police filing false cases against A1's family to wipe them out. It is seen that the threat was given on 06.05.2025, but the complaint lodged nearly after a week. Earlier, a case in Crime No.362 of 2023 registered on the complaint of Ashwini wife of Charles against A1/Nagendran's family that the defacto complainant's son



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Charles was threatened and there was demand of rowdy mamool for goods shed operation. Thus, the defacto complainant and family members are giving false complaints one after other against A1/Nagendran's family. Yet another case in Crime No.45 of 2024 registered against A1/Nagendran's family. As regards the 2<sup>nd</sup> petitioner is concerned, the learned counsel submits that the 2<sup>nd</sup> petitioner was the President of Lorry Driver Union and there was some dispute between the defacto complainant's son Charles and 2<sup>nd</sup> petitioner. Thereafter, Charles gave a false complaint and the 2<sup>nd</sup> petitioner was sent to jail. There was rivalry between 2<sup>nd</sup> petitioner and Charles with regard to election in the union. Due to which, Charles threatened the 2<sup>nd</sup> petitioner and a complaint was lodged on 12.05.2025 to respondent Police and a case in Crime No.163 of 2025 registered against Charles and others. As a counterblast, using his mother/defacto complainant, the present case filed against the 2<sup>nd</sup> petitioner. Hence, he sought for bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police filed counter and submitted that on the complaint of defacto complainant, FIR in Crime No.165 of 2025 registered against five persons. During investigation on 26.05.2025, A3/Muniyandi arrested and



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A1/Nagendran is in jail. Presently, A1/Nagendran is in the hospital for post-operative treatment. On 26.06.2025, the respondent Police arrested A1/Nagendran pursuant to PT warrant and since he is in hospital, he could not be physically produced for first remand, hence, PT warrant procedure not completed. The other accused viz., A2/Vishalakshi and the petitioners are absconding. A2 filed anticipatory bail in Crl.O.P.No.16934 of 2025, thereafter she withdrew the same. As regards the 1<sup>st</sup> petitioner is concerned, he claims to be an Advocate and associate of Ashwathaman and he is now collecting the protection money and giving threat using the name of A1 & A2. The primary business of the 1<sup>st</sup> petitioner is to go around the area, collect the protection money by threatening traders and innocent public and keeping the entire area under threat. As regards the 2<sup>nd</sup> petitioner is concerned, the learned Government Advocate (Crl. Side) has got no serious objection.

5.Considering the rival submissions and on perusal of the materials, it is seen that A1 formally arrested by PT warrant and A2 filed anticipatory bail in Crl.O.P.No.16934 of 2025 later withdrew the same. A3 arrested by the respondent Police. This petition is filed for anticipatory bail for the



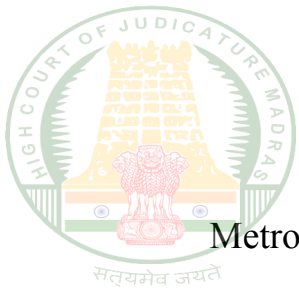
petitioners/A4 & A5.

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6. Though the 1<sup>st</sup> petitioner/A4 claims to be an Advocate, he seems to be more active in executing the work of A1 & A2 in their absentia and further he is a close associate of Ashwathaman. In view of the same, this Court is not inclined to grant anticipatory bail to the 1<sup>st</sup> petitioner/A4. ***Accordingly, this Criminal Original Petition stands dismissed in so far as the 1<sup>st</sup> petitioner/A4 is concerned.***

7. As regards the 2<sup>nd</sup> petitioner/A5 is concerned, it is seen that there seems to be some rivalry between the 2<sup>nd</sup> petitioner/A5 and defacto complainant's son Charles in operation of goods shed. In fact a case registered against the defacto complainant's son and others on 12.05.2025 in Crime No.163 of 2025. In view of the same, this Court is inclined to grant anticipatory bail to the 2<sup>nd</sup> petitioner/A5 alone.

8. Accordingly, the 2<sup>nd</sup> petitioner/A5 is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned X



Metropolitan Magistrate, Egmore, Chennai on condition that the petitioner

shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)

each with two sureties 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, on further condition that:

[a] if the 2<sup>nd</sup> petitioner/A5 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c] the 2<sup>nd</sup> petitioner/A5 shall report before the respondent Police for a period of thirty days at 10.30 a.m and thereafter as and when required for interrogation.

[d] the 2<sup>nd</sup> petitioner/A5 shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the 2<sup>nd</sup> petitioner/A5 shall make himself available for interrogation by a Police officer as and when required;

[f] the 2<sup>nd</sup> petitioner/A5 to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be



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given by the Court in this regard;

[g] the 2<sup>nd</sup> petitioner/A5 shall not abscond either during investigation or trial;

[h] 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 2<sup>nd</sup> petitioner/A5 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05.08.2025

Speaking Order/Non Speaking Order  
Index : Yes/No  
Neutral Citation: Yes/No  
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To

- 1.The X Metropolitan Magistrate,  
Egmore, Chennai.
- 2.The Inspector of Police,  
P-3 Vyasarpadi Police Station,  
Vyasarpadi,  
Chennai District.



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3. The Public Prosecutor,  
Madras High Court.

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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN

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