



CrI.O.P.No.15948 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15948 of 2025

1.Sakthivel
2.N.Raja
3.P.Sugumar
4.Hemagiri
5.Kirubakaran
6.Gopal @ Gopalakrishnan ... Petitioners/Accused

Vs

The State Rep. by
The Inspector of Police,
Marakanam Police Station,
Villupuram District.
(Crime No.153 of 2025) ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent in Crime No.153 of 2025 on the file of the respondent police.

For petitioners : Mr.M.Govindaraju
for Ms.M.Alaimagal Cauvery

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)



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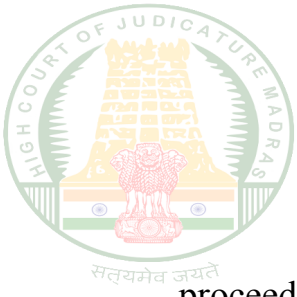
For Intervenor : Mr.D.Suriyanarayanan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 119(2), 119(3), 296, 118(1), 115(2), 324(4) and 351(3) of BNS, 2023 in Crime No.153 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the petitioners and de-facto complainant's husband with regard to mortgage of property. On the date of occurrence, the petitioners waylaid, attacked the de-facto complainant's husband with deadly weapons, who sustained injury and admitted in the hospital as inpatient. Hence, the case.

3.The contention of the learned counsel for petitioners is that the first petitioner mortgaged his property with one Balakrishnan for a sum of Rs.3,00,000/-. Later the first petitioner sought for return of the documents since the Government acquired the property under land acquisition



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proceedings and the first petitioner was ready to pay the mortgage amount.

But the said Balakrishnan not willing to return the original of the documents, which is very much required for claiming compensation amount. On the other hand one Sathish Kumar, a Real Estate broker intervened on behalf of Balakrishnan and demanded Rs.16,00,000/-, since the value of the property multiplied manifold.

4.The further contention of the learned counsel for petitioners is that the said Balakrishnan is no way concerned whether the value of the property increased or decreased, but Sathish Kumar, a real estate broker with muscle power threatened the first petitioner and chased him out from the RDO office. The first petitioner was also attacked, on the contrary, it is now projected as though the petitioners attacked the Sathish kumar. De-facto complainant, wife of Sathish Kumar lodged a false complaint against the petitioners. Hence, prayed for granting anticipatory bail to the petitioners.



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5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the victim initially took treatment at Government Hospital, Madhurantagam, discharged from the hospital, it is a land dispute, which ensued into exchange of words and attack.

6.The learned counsel appearing for the intervenor strongly objected the petitioners' contention and submitted that the petitioners used stones and hands and attacked the victim, who sustained severe injuries on his face and head. After initial treatment at Government Hospital, Madhurantagam, he took treatment at Pondicherry Institute of Medical Sciences Hospital. In support of his claim, he produced the medical records from Pondicherry Institute of Medical Sciences Hospital and photographs showing his face with blood.

7. Heard both sides and perused the materials available on record.



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8. Considering the submissions made on either side and on perusal of the material, it is seen that this issue cropped up after a land dispute. Admittedly the first petitioner/A1 mortgaged his property with Balakrishnan and Balakrishnan took the service of Sathish Kumar to extract more money other than the mortgaged amount. There was a dispute and exchange of words. The victim is now discharged from the hospital. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Tindivanam** 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



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satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

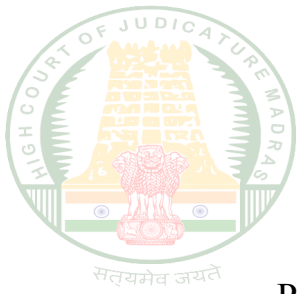
[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[d] the petitioners 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 petitioners shall make themselves available for interrogation by a Police officer as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for



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Police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[g] the petitioners 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 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];

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

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M.NIRMAL KUMAR, J.

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To:

1.The Judicial Magistrate No.II,
Tindivanam.

2.The Inspector of Police,
Marakanam Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court Madras.

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