



Crl.O.P.No.19110 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19110 of 2025

1. Sivanesan Sekar
2. Kanaka Sekar
3. Tamilselvi Jayaraman

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
Harur Police Station,
Dharmapuri District.
Crime No.301 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of his arrest in connection with Crime No.301 of 2025 on the file of respondent Police.

For Petitioners : Mr.K.Jayavarthini

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



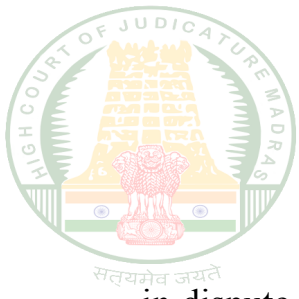
CrI.O.P.No.19110 of 2025

police for the offences punishable under Sections 296(b), 118(2), 351(3), 324(4) and 351(3) of BNS in Crime No.301 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 the defacto complainant with regard to survey of their property. The petitioners attacked the defacto complainant and their family members using a stone and they were admitted in a Hospital. Hence the case.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that there is a case in counter registered against the defacto complainant. He further submits upon instructions submits that the petitioners will not give any hindrance to survey the alleged property. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case. He further submits that it is seen that the Tahsildar and the surveyor had gone to survey the alleged property



CrI.O.P.No.19110 of 2025

in dispute, at that time, the petitioners along with their men gave hindrance to the Tahsildar and surveyor by not allowing them to survey. He further submits that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the submissions made by the learned counsel appearing on either sides that there is a case in counter and taking note of the nature of the allegations and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 the learned **Judicial Magistrate, Harur, Dharmapuri District** 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



CrI.O.P.No.19110 of 2025

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] 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 Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m. for a period of three weeks and thereafter as and when required;

[d] the petitioners shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioners 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



CrI.O.P.No.19110 of 2025

WEB COPY

comply to the directions as may be given by the Court in this regard;

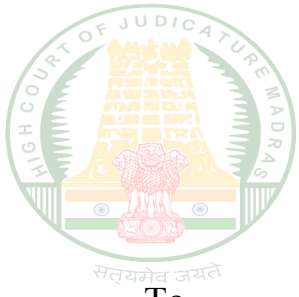
[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

[i] The petitioners shall not raise any physical objection to the surveying of the said property, if they have any objection, the same shall be submitted to the Surveyor and the Tahsildar.

08.07.2025

rap



Crl.O.P.No.19110 of 2025

To
WEB COPY

1. The Judicial Magistrate, Harur, Dharmapuri District
2. The Inspector of Police,
Harur Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.19110 of 2025

M.NIRMAL KUMAR, J.

rap

Crl.O.P.No.19110 of 2025

08.07.2025