



Crl.O.P.No.26611 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.26611 of 2025

Varaaki @ V.R.Krishna Kumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
CBCID, Kancheepuram.
(Crime No.1 of 2025)

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita to set aside the remand extension order dated
08.09.2025 passed by the learned Judicial Magistrate No.1 at Chengalpattu
in Crime No.1 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Arun Anbumani
for Mr.P.Rajkumar Pandian

For Respondent : Mr.K.M.D.Muhilan,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to set aside the remand extension order, dated 08.09.2025, passed by the learned Judicial Magistrate No.1 at Chengalpattu, in Crime No.1 of 2025 on the file of the respondent Police, registered for the offences under 465, 466, 468, 471, 420, 120-B, 419 r/w. 109 IPC.

2.The petitioner claims to be an independent video journalist and whistle blower. He raises voice against corruption and misuse of power in order to create public awareness. He publishes informative videos on YouTube, highlighting the corrupt practices and abuse of authority. Since he has been disclosing various illegalities and misuse of power, several Police officers and public servants, whose corrupt activities were exposed, turned vindictive against him. As a consequence, he became a target of retaliation. He was subjected to malicious prosecution and continuous harassment at the hands of those very authorities whose misconduct he had brought to light. As a consequence, five criminal cases have been foisted as against the petitioner, one after the other, within a short span of one month

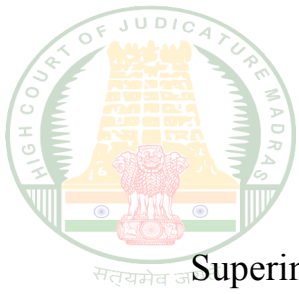


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during the last September and October, 2024, resulting in his arrest and remand to prison for 132 days. The petitioner approached this Court as against the repeated filing of FIRs against him, with a prayer to transfer the cases to CBCID. This Court, by a common order, dated 13.02.2025, in Crl.O.P.Nos.31418, 31419, 31425, 31426 and 31429 of 2024, transferred the cases to CBCID. While passing such order, this Court also recorded the fact that, in order to prevent the petitioner from his activities, with a *mala fide* intention, the respondents 1 and 2 therein had foisted false cases as against the petitioner, that too, within a short span of time.

3.Despite transfer of cases to CBCID, as no progress has been made, the petitioner sent a representation, dated 16.08.2025, to the Monitoring Authority, namely, the Director General of Police (Administration), requesting his immediate intervention to ensure justice in accordance with the orders of this Court. Subsequently, the Sub-Inspector of Police, CBCID, contacted the petitioner calling upon him to attend an enquiry on 08.09.2025. Accordingly, the petitioner appeared before the Deputy Superintendent of Police, CBCID, Chennai Metro at Egmore. Thereafter, at about 2.00 to 2.30 p.m., the petitioner was apprehended by the Deputy



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Superintendent of Police, Kancheepuram, and he was retained for about three hours and thereafter, produced before the learned Judicial Magistrate No.1, Chengalpattu, at about 10.00 p.m. on 08.09.2025. During the remand proceedings, the petitioner specifically stated before the learned Magistrate that he was not informed about the reasons for his arrest. Despite the said fact, the learned Magistrate has remanded him. Hence, according to the petitioner, as long as there is no communication of grounds of arrest, the remand is illegal and the Police have failed to comply with the provisions of Section 50 Cr.P.C. and the safeguards guaranteed under Article 22(1) of the Constitution of India. Hence, it is his contention that the entire remand order passed by the learned Magistrate has to be set aside.

4.A counter affidavit has been filed by the respondent Police. It is the contention of the respondent that, on the basis of the complaint of one P.Saravanan, S/o.Ponnusamy, with regard to creation of false documents and impersonation, an FIR came to be registered in Crime No.3 of 2024 for the offences under Sections 465, 466, 468, 471, 120-B, 419, 420 and 109 IPC and the accused namely Srinivasan, Murugesan and Sekar were arrested and remanded to judicial custody. Pursuant to the orders of this

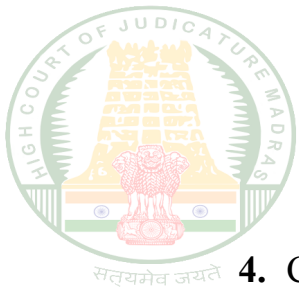


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Court in Crl.O.P.No.26821 of 2024, the case was transferred to the CBCID for further investigation and accordingly, the case was renumbered as Crime No.1 of 2025 for the offences under Sections 465, 466, 468, 471, 120-B, 419, 420 and 109 IPC. During investigation, on the basis of confession statement given by the primary accused Senthil Kumar, it came to light that there was conspiracy to grab the land of the *de facto* complainant. As per the confession, the present petitioner, on coming to know about the forged documents created by other accused, has given a protest petition before the Sub-Registrar's Office. Latter, the protest petition has been withdrawn. This has been made only to extract money. Therefore, according to the prosecution, there is a clear conspiracy established as against the petitioner. It is further stated that there are eight criminal cases pending as against the present petitioner as follows :

1. Chennai CBCID, OCU-I Crime No.2 of 2025 under Sections 189, 353, 505(i)(b) IPC and 66D of IT Act, 2000.
2. Chennai CBCID, OCU-I Crime No.3 of 2025 under Sections 34, 294(b), 406, 420, 307, 506(i) IPC.
3. Chennai CBCID, OCU-II, Crime No.2 of 2025, under Sections 294(b), 447, 189, 353, 387, 307, 506(ii) IPC and 66D of IT Act.



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4. Chennai CBCID, OCU-II, Crime No.3 of 2025 under Sections 420, 465, 467, 468, 471 IPC.
5. Chennai CBCID Metro Crime No.4 of 2025 under Sections 406, 420, 506(ii) IPC.
6. Chennai Kilpauk Police Station Crime No.232 of 2025 under Sections 192, 353(1)(b), 353(3) BNS.
7. Chennai Triplicane Police Station Crime No.503 of 2025 under Sections 296(b), 353, 353, 351(2) BNS and 67 of IT Act.
8. Chennai City CCD-1 South Crime No.23 of 2025 under Sections 192, 296(b), 353(2) BNS r/w.67 of IT Act.

5. According to them, at the time of arrest, the Inspector of Police, CBCID, called the petitioner's wife, but she did not attend the phone call purposefully. Hence, the arrest intimation was sent through SMS to the petitioner's wife Tmt. Neelima. Subsequently, during the arrest of the petitioner, his sister Tmt. Kokila was allowed to meet him at the office of the CBCID, Kancheepuram District, while she was asked to receive the arrest intimation. The arrest Note copy containing a brief summary of the grounds of arrest was also served to the petitioner/accused before producing him

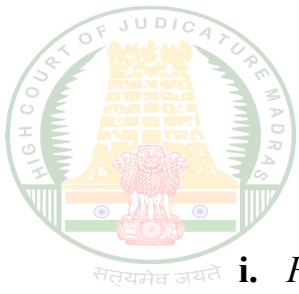


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before the learned Judicial Magistrate No.1, Chengalpattu. Hence, according to them, the proper procedure has been followed. Hence, it is the contention of the respondent that the non-furnishing of the grounds of arrest itself cannot constitute a valid ground for grant of bail.

6.Learned counsel appearing for the petitioner/accused would submit that the reasons for arrest have not been informed at the time of arrest. The petitioner was implicated under the premise of enquiry relating to the previous cases which were transferred to CBCID at the instance of the petitioner. The petitioner, being a YouTuber, was purposefully targeted. The grounds of arrest have not been informed and therefore, it is in violation of the Constitutional mandate. Further, the very remand extension order passed by the learned Judicial Magistrate indicates that the grounds of arrest have not been informed to the accused. The learned Magistrate, though recorded that the grounds of arrest have not been explained, has held that the same cannot be a ground for releasing the accused on bail. Therefore, the impugned order itself clearly indicates that the grounds have not been informed to the accused. In support of his contentions, the learned counsel for the petitioner relied upon the following judgments :



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i. *Prabir Purkayastha v. State (NCT of Delhi) reported in (2024)*

ii. *Vihaan Kumar v. State of Haryana and another [Criminal Appeal @ SLP (Crl.) No.13320 of 2024, dated 07.02.2025]*

iii. *D.Alexis Sudhakar v. The Inspector of Police, E-1 Mamallapuram Police Station, Chengalpet [Crl.R.C.No.1392 of 2024, dated 21.07.2025]*

iv. *Ashish Kakkar v. UT of Chandigarh reported in (2025) SCC Online SC 1318.*

7. Whereas, the learned Additional Public Prosecutor appearing for the respondent Police, would submit that the arrest memo clearly indicates the grounds and a SMS has also been sent to the petitioner's wife intimating the arrest of the petitioner. He would further submit that there is no requirement under law to inform the grounds of arrest in writing to the petitioner/accused. Therefore, the order of remand extension cannot be set aside. Hence, he opposed the petition. In support of his contentions, the learned Additional Public Prosecutor relied upon the judgment of the Hon'ble Supreme Court in *State of Karnataka v. Sri Darshan, etc.* reported in **(2025) SCC OnLine SC 1702.**



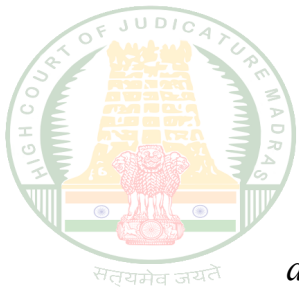
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8.I have perused the entire materials available on record.

9.The main ground on which the remand extension order is sought to be set aside is that the grounds of arrest have not been informed in writing to the accused. It is relevant to note that the Hon'ble Supreme Court, in ***Prabir Purkayastha v. State (NCT of Delhi)*** reported in ***(2024) 8 SCC 254***, has held as follows :

“29.Hence, we have no hesitation in reiterating that the requirement to communicate the grounds of arrest or the grounds of detention in writing to a person arrested in connection with an offence or a person placed under preventive detention as provided under Articles 22(1) and 22(5) of the Constitution of India is sacrosanct and cannot be breached under any situation. Non-compliance of this constitutional requirement and statutory mandate would lead to the custody or the detention being rendered illegal, as the case may be.

30.Furthermore, the provisions of Article 22(1) have already been interpreted by this Court in Pankaj Bansal [Pankaj Bansal v. Union of India, (2024) 7 SCC 576] laying



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down beyond the pale of doubt that the grounds of arrest must be communicated in writing to the person arrested of an offence at the earliest. Hence, the fervent plea of the learned ASG that there was no requirement under law to communicate the grounds of arrest in writing to the appellant-accused is noted to be rejected.”

10. Similarly, in ***Vihaan Kumar v. State of Haryana and another*** [***Criminal Appeal @ SLP (Crl.) No.13320 of 2024, dated 07.02.2025***], the Hon'ble Supreme Court has held as follows :

“21. Therefore, we conclude :

.... (f) When a violation of Article 22(1) is established, it is the duty of the Court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the Court to grant bail when the violation of Articles 21 and 22 of the Constitution is established.”

11. A combined reading of the above judgments would clearly show that, if the grounds of arrest are not informed in writing, the accused is entitled to bail. Whereas, in the judgment relied upon by the learned



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Additional Public Prosecutor in *State of Karnataka v. Sri Darshan, etc.*

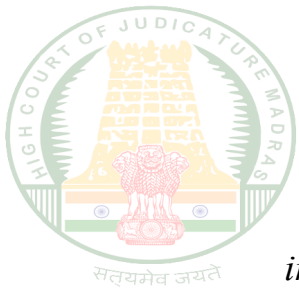
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reported in (2025) SCC OnLine SC 1702, the Hon'ble Supreme Court has held as follows :

“20.1.2. Article 22(1) of the Constitution mandates that “no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice”. Similarly, Section 50 (1) Cr. P.C. requires that “every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest - but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.

20.1.4. In Vihaan Kumar v. State of Haryana²², it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed

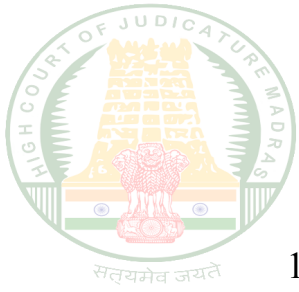


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in writing. Similarly, in Kasireddy Upender Reddy v. State of Andhra Pradesh²³, it was observed that when arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance. Both these post- Pankaj Bansal decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances.

20.1.5. While Section 50 Cr. P.C. is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.”

12. In the latter judgment, the Apex Court has taken a view that, written, individualised grounds are not an inflexible requirement in all circumstances and held that mere absence of written grounds does not *ipso facto* render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend. Therefore, merely because the reasons have not been informed in writing, it cannot be a ground to set aside the remand order.



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13.However, in the present case, the fact remains that there is no material to show as to how the reasons or grounds of arrest was informed to the petitioner. It is not the case of the prosecution that they orally informed the reasons to the petitioner or to his family members. Except stating that the arrest memo was communicated to the petitioner's wife through SMS, the prosecution has not stated the manner in which the reasons for arrest were informed. In the arrest memo, the reasons of arrest have not been given. Therefore, as long as there is no material placed by the prosecution to show that the reasons for arrest have been properly informed either orally or in writing, it has to be necessarily held that it is a clear case of violation of Constitutional mandate, which, in fact, enables the accused to seek for bail.

14.Further, the charge against the petitioner is that, while the main accused was involved in land grabbing, the petitioner, knowing very well about the falsification of records, have prevented the other accused from registering the documents by filing a protest petition before the Sub-Registrar's Office and later, he withdrew the petition. The only material against this accused is the confession statement recorded from one Senthil



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Kumar, the other accused, to sustain the charge against this petitioner. In such view of the matter, this Court is of the view that, though the remand extension order cannot be set aside merely on the ground that the reasons for arrest have not been informed in writing, as the prosecution have failed to demonstrate that they have informed the grounds of arrest either orally or in writing, the petitioner is certainly entitled to bail.

15.Considering the nature of the offence and the materials collected against the petitioner and the fact that he has been implicated mainly on the basis of the alleged confession given by the co-accused and also having regard to the fact that the petitioner is in judicial custody from 08.09.2025, i.e., almost nearly a month, and he has also been taken in Police custody and examined, this Court is of the view that no purpose will be served in keeping him under prolonged custody. In such view of the matter, this Court is of the view that the petitioner is entitled to grant of bail.

16.Accordingly, this Criminal Original Petition is allowed and the impugned remand extension order passed by the learned Judicial Magistrate No.1 at Chengalpattu, dated 08.09.2025, is set aside.



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17. Further, the petitioner is directed to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1 at Chengalpattu**, and on further conditions that:

- (a) 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;
- (b) **the petitioner shall report before the Judicial Magistrate No.1 at Chengalpattu, daily at 10.30 a.m., until further orders;**
- (c) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (d) the petitioner shall not abscond either during investigation or trial.
- (e) on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned



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conditions have been imposed and the petitioner 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]*;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

06.10.2025

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Note to Registry : Issue order copy on 07.10.2025.

Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The Judicial Magistrate No.1,
Chengalpattu.

2.The Inspector of Police,
CBCID, Kancheepuram.

3.The Superintendent,
Chengalpattu Prison.

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4. The Public Prosecutor,
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