



Crl.O.P.No.32418 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.32418 of 2024

Ramkumar

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu District.
(Crime No. 761 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 761 of 2024 on the file of respondent Police.

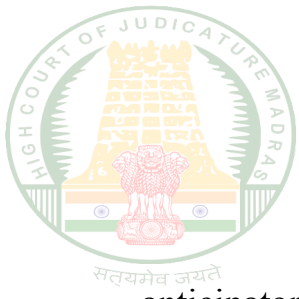
For Petitioner : Mr.Thirumoorthy for Mr.J.Ganesh

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

For Intervenor : Mr.D.Ilayaraja

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 331(4), 305(a), 351(2) of BNS in Crime No.761 of 2024, on the file of the respondent Police, seeks

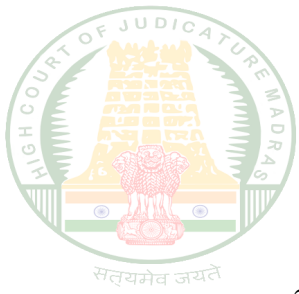


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anticipatory bail.

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2. The case of the prosecution is that the defacto complainant, Radhika, who is a tenant of the petitioner's father, one Sriramulu aged about 84 years, has been running a beauty parlour named Kavin Azhagu Nilayam for the past 12 years and paying a monthly rent of Rs.11,000/- without default up to November 2024. She alleges that on 28.08.2024, the petitioner's father came to her parlour and demanded that she vacate the premises immediately, without issuing any prior legal notice. When she requested some time to vacate, he allegedly threatened to forcibly evict her using henchmen. Following this, the defacto complainant filed a civil suit before the District Munsif Court, Chengalpattu, seeking permanent injunction. While the said suit was pending, it is alleged that on 01.12.2024 at about 11:00 p.m., the petitioner, along with his father and about 10 others, unlawfully trespassed into the shop, removed instrumental materials valued around Rs.20,00,000/-, took original documents and Rs.45,000/- in cash, and locked the shop with a new lock to prevent her from re-entering the premises. Hence the case.



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3. The learned counsel appearing for the petitioner submitted that the petitioner has filed this anticipatory bail application on the ground that the entire case arises out of a landlord-tenant dispute. It is submitted that the petitioner's father is the absolute owner of the property situated at Door No. 7/7, Devaratanar Street, Chengalpattu, in Survey No. 384/1C. He is a senior citizen, aged about 84 years and suffers from health issues to the extent that he cannot walk without support. The learned counsel submitted that the defacto complainant initially took the premises on rent for residential purposes about 12 years ago. However, without the knowledge or consent of the petitioner's father, she converted the residential premises into a beauty parlour and spa. When this was objected to by the petitioner and his father, due to complaints from neighbours and the general public regarding the spa activities, the defacto complainant was asked to vacate the premises. Instead of vacating, the defacto complainant allegedly reacted and threatened the petitioner and his father, stating that she had influence with local police officials and other powerful persons and could act however she pleased. A complaint was thereafter lodged against her by the petitioner's side with the Inspector of Police, Chengalpattu Town Police Station. In the enquiry that followed, the defacto complainant appeared and gave a written undertaking dated 28.08.2024, stating that she would vacate the premises within three months. Based



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on this, the CSR was closed. Despite giving the said undertaking, the defacto complainant failed to vacate the premises and later filed a civil suit in O.S. No. 166 of 2024 before the Principal District Munsif Court, Chengalpattu, without disclosing the earlier undertaking and the CSR. The petitioner contends that the civil dispute has been falsely given a criminal colour with an ulterior motive. It is further submitted that the allegation of trespassing and theft of materials worth Rs.20,00,000/- and cash of Rs.45,000/- as made in the complaint, is highly exaggerated and inherently improbable, particularly considering the age and health condition of the petitioner's father and the petitioner himself, who is a heart patient and also suffers from food allergies.

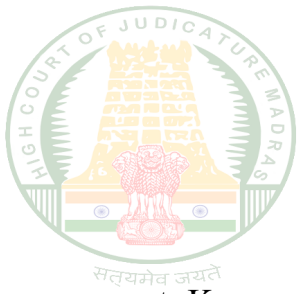
4. The learned counsel also contended that neither the petitioner nor his father had received any Court summons in the civil suit and came to know about its pendency only after reading the contents of the FIR. The petitioner and his father had approached the Sessions Court seeking anticipatory bail, while the father was granted relief, the petitioner's plea was rejected. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the FIR in Crime No. 761 of 2024 has been registered against the petitioner and several others for offences under Sections 126(2), 331(4), 305(a), and 351(2) of the Bharatiya Nyaya Sanhita, based on a complaint of house-breaking, theft of valuable properties and documents and unlawful dispossession from a business premises. It is submitted that the case is not merely a landlord-tenant dispute, as alleged by the petitioner, but a serious offence involving a premeditated act of criminal trespass and theft. CCTV footages obtained from a nearby location clearly show that on 01.12.2024 at around 11:00 p.m., the petitioner, along with several others, including persons dressed in black and white attire resembling that of lawyers, were seen unlawfully entering the premises of the beauty parlour, looting properties into a light blue closed truck bearing the marking “EVB” and other vehicles. The group was seen present at the spot for over two hours and left the scene only around 01:17 a.m. On 02.12.2024. The truck used for the transportation of the looted items was identified as a 407 vehicle bearing Registration No. TN22 C 0777, owned by one Dhanasekar. Based on his statement, the stolen materials were traced to the bed factory owned by the petitioner, namely M/s. Vijayalakshmi Enterprises and Resto Mattresses, located



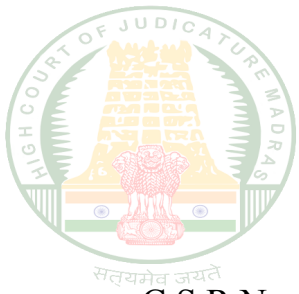
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at Kamarajar Marriage Hall, Karunakaracheri Village, Maduranthakam Taluk.

These materials were recovered in the presence of independent witnesses on 05.12.2024 and returned to the defacto complainant under Court orders.

6. It is further submitted that on 04.12.2024, when the Sub-Inspector of Police, Tr. Dilli Babu, along with his team and revenue officials, attempted to investigate the premises, they were prevented from entering by a group of individuals, again in black and white lawyer attire, including some of the same persons seen in the CCTV footage. These individuals allegedly obstructed the investigation, intimidated the Village Administrative Officer and other witnesses, and raised slogans against the police. During that incident, a wooden almirah belonging to the defacto complainant was found abandoned on the pavement near the scene of crime. When the police attempted to seize it as case property, these individuals created a scene, threatened the officials and immediately after the seizure, affixed a name board of an advocate office on the building's wall, indicating that they had forcibly taken over possession of the premises.

7. It is also submitted that a separate complaint was later registered in



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C.S.R.No. 09 of 2025 based on the interference with investigation and obstruction caused by these individuals. The revenue officials were hesitant to file complaints themselves due to fear of future repercussions. Given the seriousness of the offence, the organised nature of the act, the use of professional influence to obstruct investigation, the recovery of stolen materials from the petitioner's premises and the active interference with law enforcement, the learned Government Advocate (Crl.Side) submitted that custodial interrogation of the petitioner is essential. Therefore, it is prayed that this Court not to grant anticipatory bail to the petitioner at this stage.

8. The learned counsel for the defacto complainant submitted that the petitioner and his associates unlawfully entered the complainant's business premises at night and removed articles worth around Rs. 20,00,000 and including original documents and Rs.45,000/- in cash. It is further submitted that CCTV footage clearly captures the trespass and removal of goods and that the materials were later traced and recovered from the petitioner's godown. The complainant also stated that the petitioner misused legal appearance by bringing persons dressed in black and white attire resembling lawyers to create fear and avoid suspicion. After seizing part of the stolen goods, the police and revenue official



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were obstructed by the petitioner's associates and an advocate name board were suddenly affixed to the building to falsely claim possession. Hence, he prays not to grant anticipatory bail to the petitioner.

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

10. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. Accordingly, the petitioner 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 on which the order copy made ready, before the learned **Judicial Magistrate No.I, Chengalpattu** on condition that the petitioner shall execute a 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 satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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

[b] The petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) to the credit of Crime No.761 of 2024 and to produce the Bank Challan before the learned Magistrate concerned at the time of executing the sureties.

[c] 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;

[d] the petitioner shall report before the respondent Police daily at 10.30.a.m., until further orders.

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

[f] the petitioner shall not directly or indirectly cause



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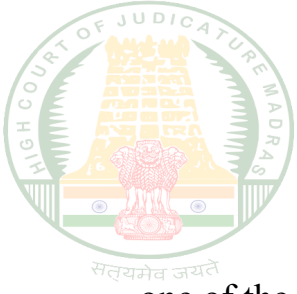
any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner 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 given by the Court in this regard;

[h] 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 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]**;

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

12. The petitioner, on depositing the above said amount, the Court below shall deposit the same in the interest bearing fixed deposit scheme in any



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one of the nationalized banks.

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13. The learned Government Advocate (Crl.Side) through the respondent Police is directed to inform the de facto complainant about the deposit made by the petitioner. The de-facto complainant is permitted to withdraw the same upon filing a proper petition, subject to proper identification and acknowledgment.

21.07.2025

ns/

To

1. The Judicial Magistrate No.I, Chengalpattu.
2. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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