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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.10.2025**

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.29097 of 2025

1.A.George Fernandez

2.Lourdhu Xavier

... Petitioners

Versus

The State rep by its,
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
(Crime No.132 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.132 of 2025 on the file of the respondent police.

For Petitioners : M/s.G.Kannagi

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable under Sections 126(2), 296(b), 115(2), 351(2) of BNS, 2023 and under Section 4 of Women Harassment Act, in Crime No.132 of 2025, seek anticipatory bail.

2.The allegation against the petitioners is that due to a dispute



regarding to church property, on the date of occurrence, when the defacto complainant and his wife were going to the church, the petitioners along with other accused obstructed their way. When the same was questioned by the defacto complainant, a wordy quarrel arose, during which the petitioners allegedly assaulted the defacto complainant with hands and sticks. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that due to wordy quarrel regarding the dispute of church property, the petitioners have been falsely implicated in this case. He further submitted that the co-accused was already released on bail by this Court in Crl.OP.No.28346 of 2025 dated 16.10.2025. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submits that the co-accused was released on bail by this Court and that the investigation is still pending and hence opposes the grant of anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6.Considering the submissions made on both sides, the fact that a



civil suit is pending with regard to the church property, and that the injuries are simple in nature and the co-accused was released on bail by this Court, this Court is of the view that custodial interrogation of the petitioners is not required, therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate Court No.II, Virudhachalam*, on condition that the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand Only), each 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 and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation;



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(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]*; and;

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

27.10.2025

drl

To

1.The Judicial Magistrate No.II,
Virudhachalam.

2. The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

K.RAJASEKAR, J.

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