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Crl.O.P.No.31393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.31393 of 2025

G. Arulkumar

... Petitioner/ Petitioner

Vs

The State Rep. By,
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

... Respondent/ Respondent

PRAYER: This criminal original petition has been filed under Section 483(1)(b) of BNSS to modify the condition imposed by the Hon'ble Principal Sessions Judge, Krishnagiri in para No.5(d) of the order in Crl.M.P.No.2860 of 2025 dated 23.10.2025 i.e., "the petitioner shall not disturb the possession of the defacto complainant till the disposal of the suit."

For Petitioner(s) : Mr. R. Sudhan

For Intervenor : Mr. J. Jayan

For Respondent : M/s. J.R. Archana
Government Advocate (Crl.Side)

ORDER



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2. The learned counsel appearing for the petitioner submitted that, the petitioners herein is the husband of the defacto complainant in this case; that the petitioner was granted anticipatory bail by the Principal Sessions Judge, Krishnagiri, vide order dated 23.10.2025 in Crl.M.P.No.2860 of 2025 for the offence under Sections 296(b), 115(2), 118(1) and 324(4) of BNS in Crime No.301 of 2025 on the file of the respondent police with one of the conditions that, the petitioner shall not disturb the possession of the defacto complainant till the disposal of the suit. He further submitted that there is civil dispute between the petitioner herein and the defacto complainant over the disputed land and a suit has also been filed by the petitioner herein against the defacto complainant in O.S.No.649 of 2024 on the file of the Principal District Judge, Krishnagiri; that the petitioner is in possession of the disputed land and he is cultivating the land in periodic basis and now he had cultivated the said land with bananas and paddy by engaging the



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labourers. He further submitted that the said civil suit is at the stage of framing of issues; that whileso, the learned Principal Sessions Judge, Krishnagiri while granting anticipatory bail had imposed the aforesaid condition based on the false complaint lodged by the defacto complainant, hence prays to modify the condition imposed on the petitioner in para No.5(d) of the order in Crl.M.P.No.2860 of 2025 dated 23.10.2025.

3. The learned counsel appearing for the intervenor submitted that, originally the disputed land belongs to the defacto complainant, who is the wife of the petitioner herein; that the petitioner had attacked the defacto complainant and caused injuries to her and also attempted to grab her property, hence the learned Principal Sessions Judge, Krishnagiri had considered all the facts and more particularly, the disturbance caused to the defacto complainant's possession over the property by the petitioner herein, imposed the condition in para No.5(d) of the order in Crl.M.P.No.2860 of 2025 dated 23.10.2025, hence prays to dismiss this petition.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that after investigation of the complaint lodged by the defacto complainant, FIR has been registered against the petitioner herein; that based on the submissions made before the learned Principal Sessions



Judge, anticipatory bail was granted to the petitioner herein with certain conditions.

5. I have considered the submissions made and perused the materials available on record. Originally the suit in O.S.No.649 of 2024 has been filed by the petitioner herein seeking injunction to prevent the defacto complainant from interfering in his possession over the disputed property. Further, the present criminal complaint relates to attack on the defacto complainant and not regarding the possession of the property. Hence, this Court is of the view that imposing a condition similar to granting injunction, that too till the disposal of the suit in a criminal case, in favour of the defacto complainant is not proper.

6. Considering the above, **this Court is inclined to set aside the condition imposed on the petitioner by the learned Principal Sessions Judge, Krishnagiri in para No.5(d) of the order in Crl.M.P.No.2860 of 2025 dated 23.10.2025.** If at all any violation or issues arises regarding the enjoyment and right of the defacto complainant over the property, she shall approach the Civil forum to workout her remedy and as far as the other conditions imposed on the petitioner herein, as per the aforesaid order remain unaltered.



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7. Accordingly, this criminal original petition stands allowed.

04.12.2025

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To

1. The Principal Sessions Judge,
Krishnagiri.
2. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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