



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 32944 of 2025

1. Sakthivel
2. Seethalakshmi
3. Navaneetham

Petitioner(s)

Vs

State rep by The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore District. Crime No. 414 of
2025.

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No. 414 of 2025 pending investigation on the file the respondent police.

For Petitioner(s):	Mr.A Sathishkumar
For Intervenor	Mr.S.Kumaresan



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

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ORDER

Apprehending arrest in connection with Crime No.414 of 2025 registered for the offences punishable under Sections 331(1), 219 of BNS, 2023, against the petitioner, the present petition has been filed by the petitioner seeking anticipatory bail.

2.The allegation against the petitioners is that petitioners being the borrowers of a loan, their properties sealed under the SARFASI Act due to default in payment, and the defacto complainant had taken possession of the property pursuant to this action. It is alleged that the petitioners subsequently, trespassed into the property, broke the seals and unlawfully encroached upon it. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners have already settled the entire money to the defacto complainant and on their instructions only they have take the possession of the property and now the petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail to the petitioners.



4.The learned counsel for the intervenor submitted that still petitioners are continuing the possession of the property and if the anticipatory bail is granted to the petitioners, they will indulge in similar offences. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) for the respondent police reported that the investigation in this case is pending and there are no previous cases pending against the petitioners. Hence, he opposed for the grant of anticipatory bail to the petitioners.

6.Considering the submissions made on both sides, there are no previous cases pending against the petitioners and though the investigation in this case is pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on 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 No.III, Cuddalore* on condition that each of 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, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] 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]*;

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

02-12-2025

gbi



To

- 1.State rep by The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore District. Crime No. 414 of
2025.
- 2.The Judicial Magistrate No.III,
Cuddalore.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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