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Crl.O.P.No.35649 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2025

CORAM

THE HONOURABLE Mr.JUSTICE P.DHANABAL

Crl.O.P.No.35649 of 2025

1.Rajasekar
2.Velkumari

... Petitioners / A1 & A2

Vs

The State
Rep. by the Sub Inspector of Police
Tiruvannamalai East Police Station
Tiruvannamalai District
Crime No.388 of 2025.

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of B.N.S.S., 2023 praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.388 of 2025 on the file of the respondent police and thus render justice.

For Petitioners : Mr.Shriram

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

ORDER

The petitioners / A1 & A2, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 316(2) and 318(2) of BNS Act , in connection with the Cr.No.388 of 2025, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners herein are the relatives of the defacto complainant. Some of the household articles, documents and personal belongings of the defacto complainant are now in the custody of the petitioners and when demanded, the petitioners refused to hand over the same. Hence, based on the complaint given by the defacto complainant, the respondent police registered a case in Crime No.388 of 2025.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The allegation levelled against the petitioners is on account of family dispute that existed between the petitioner and the defacto complainant, which is purely civil in nature. The learned counsel further submitted that the petitioners are senior citizens who are aged 81 years and 75 years respectively and they are ready to abide by any conditions that may be imposed by this Court and sought for anticipatory bail to the petitioners.

4. Mr. H. Mohamed Ghouse and Mr. J. Sathish, learned counsel undertakes to enter appearance for the defacto complainant / intervenor. The learned counsel for the intervenor submitted that the personal belongings, pension book,



Identity Cards and other property details etc., of the defacto complainant are in the custody of the accused persons and when demanded, they refused to return the same, with an intention to grab the defacto complainant's property

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that a case was registered against four accused persons and the petitioners herein are A1 and A2. The learned Government Advocate submitted that there is no previous case pending as against the petitioners. He reiterated the prosecution case and opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel and also the learned Government Advocate and also perused the materials available on record.

6. Considering the nature of offence and that the petitioners herein are senior citizens and that the dispute between the parties are with respect to the property in enjoyment, and that no previous case are pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

7. Accordingly, the petitioners are ordered to be released on bail in the



event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.II, Thiruvannamalai**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent-police on every Saturday at 10.30 a.m., for a period of four weeks.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond 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].



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[f] If the accused thereafter abscond, a fresh FIR can be registered under

Section 269 B.N.S.2023.

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Note :

- 1. Registry is directed to forthwith upload this order in the official website of this Court.*
- 2. All concerned shall act on this order being uploaded in the official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.*

To:

1. The Judicial Magistrate Court No.II
Thiruvannamalai.
- 2.The Sub Inspector of Police
Thiruvannamalai East Police Station
Thiruvannamalai District
- 3.The Public Prosecutor
High Court, Madras.



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P.DHANABAL, J.,

ds/dn

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