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Crl.O.P.No.1140 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.1140 of 2026

Murugesan

... Petitioner / A1

Vs.

The State rep. by Inspector of Police,
Attur Town Police Station,
Salem District.
(Crime No.383 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.383 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Sathish Kumar
For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence **under Sections 191(2), 324(2), 305(a) and 351(2) of the Bharatiya Nyaya Sanhita, 2023** in **Crime No.383 of 2025** on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner alleged to



have broke open the house of the defacto complainant and stolen 10 sovereigns of gold jewellery along with goods worth about Rs.2 lakhs. Hence, a case has been registered and for apprehending arrest this petition has been filed.

3. The learned counsel for the petitioner submitted that there were civil disputes pending between the parties and already two First Information Reports have been registered in Crime No.373/2025 and Crime No.374/2025 on the basis of complaint lodged by the petitioner and his family members which were registered prior to the registration of the present case. He further submitted that this is the counter blast for the two previous cases registered. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no one is arrested in this case and that the investigation is still pending. The learned counsel further submitted that the petitioner is having one previous case registered under the similar offence. Hence, she opposed to grant anticipatory bail to the petitioner.

5. I have also gone through the First Information Report and connected records.

6. On perusal of FIR and previous case registered against the petitioner, it



reveals that there is a tenancy dispute between the parties. Earlier , the petitioner had lodged a complaint alleging that his portion of the property was demolished and his belongings were taken by the defacto complainant's side; this was registered as early as on 13.09.2025. Subsequently, on 15.09.2025, the defacto complainant filed the present complaint at the same police station, alleging that the petitioner and his family members stolen 10 sovereigns of gold jewellery and property worth about Rs.2 lakhs.

7. Considering the above submissions and facts involved in this case, I am of the view that the petitioner is entitled for grant of anticipatory bail. Hence, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.1, Attur**, on condition that **the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

- (a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15)



days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) The petitioner 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;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

28.01.2026

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To:

1.The Judicial Magistrate No.1,
Attur.



2.The Inspector of Police,
Attur Town Police Station,
Salem District.

3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR,J.

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