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CRL OP No. 4078 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4078 of 2026

1. E.V.Perumalsamy Reddy
2. E.V.P.Rajeswari
3. Leeladevi
4. Vedagiri
5. Manivannan
6. Venkatesan

..Petitioner(s)

Vs

The State Rep. by
Inspector of Police,
Central Crime Branch, LD-V,
Avadi Commissionerate,
Avadi, Chennai- 600 054.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the petitioners on bail in the event of arrest or surrender in Cr.No. Not Known of 2026 on the file of the respondent.

For Petitioner(s) : Mr.J.Ravikumar

For Respondent(s) : Mr.P.Dhileepan
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Vijayakumar



ORDER

The petitioners apprehend arrest for the alleged offence under Sections 316(2), 318(4), 336(2), 336(4) and 340 of BNS, 2023 in Crime No. Not Known of 2026, seek anticipatory bail.

2. On account of a land dispute between the petitioners and the de facto complainant the present complaint has been registered against the petitioners.

3. The learned counsel for the petitioners submits that the petitioners have filed an application before the learned Magistrate under Section 156 of Cr.P.C. and in pursuance thereof, a detailed enquiry was conducted by the police and thereafter, the learned Magistrate closed the said complaint. Against the said closure, the de facto complainant has filed a criminal original petition before this Court in Crl.O.P.No.23130 of 2024, wherein this Court, has confirmed the order passed by the learned Magistrate and granted liberty to the de facto complainant to approach the concerned jurisdictional Magistrate under Section 200 of Cr.P.C., and in due deference to the above direction, the de facto complainant has already filed a complaint before the learned Magistrate in Crl.M.P.No.2306 of 2024, and the learned Magistrate has already taken cognizance of the offences. In spite of taking recourse under Section 200 of Cr.P.C., the de facto complainant had parallelly given a complaint and since



then the respondent police is harassing the petitioners and if the anticipatory bail is not granted to them, any time the police may arrest them.

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4. At this juncture the learned Government Advocate (Crl.Side) would fairly concede that the petitioners have already given a private complaint and it is pending before the learned Magistrate.

5. Though Mr.Vijayakumar, the learned counsel for the de facto complainant would object the application however he is not in a position to deny as to the factual submissions made by the learned counsel for the petitioners.

6. In such view of circumstances this Court is of the view that, the custodial interrogation of the petitioners is absolutely not required and the petitioners are entitled to anticipatory bail and this Court is enlarging the petitioners on anticipatory bail subject to certain conditions and the petitioners are directed to co-operate with the investigation.

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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate Court No.1, Poonamallee, Chennai - 56**, on condition that the



petitioners shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five 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 petitioners fail 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 petitioners shall report before the respondent Police, daily at 10.30 a.m. and 5.30 pm., for a period of four 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.

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To

1. The Judicial Magistrate Court No.1, Poonamallee, Chennai – 56.

2. The Inspector of Police,
Central Crime Branch, LD-V,
Avadi Commissionerate,
Avadi, Chennai- 600 054.

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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