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CRL OP No.8924 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.8924 of 2026

R.Rajashekar,
S/o.Ragu Ramachandran,
No.23, A.P. Arasu Street,
Ram Nagar,
Ambattur,
Chennai – 600 053.

..Petitioner/A1

Vs

State represented by:
The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur,
Chennai.
(Crime.No.33/2026)

...Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of his arrest pending in Crime No.33 of 2026 on the file of the respondent police.

For Petitioner: Mr.L.Rajendran

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

ORDER

The petitioner/A1, who apprehends arrest for the alleged offences under Sections 324 (2) and 329 (4) of BNS r/w under Section 4 of the Tamil Nadu



Women Harassment Act, in Crime No.33 of 2026, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner is the former husband of the *de-facto* complainant. The *de-facto* complainant was residing in the house belonging to the petitioner and also obtained an order from the Court. During her absence, the petitioner, along with the other accused, broke open the house, threw away the articles from the house, and took illegal possession of the same. Hence, the case.

3. The learned counsel for the petitioner/A1 submitted that the petitioner is innocent and he has not committed any such offence as alleged by the *de-facto* complainant, and he has been falsely implicated in this case. He also submitted that the flat belongs to the petitioner; and that he has got the Sale Deed by virtue of the Sale Deed dated 24.12.2025. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to cooperate with the investigation. Hence, he prays to grant anticipatory bail to the petitioner.

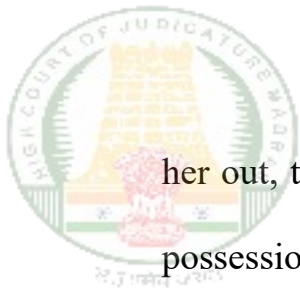


4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution's case and submitted that the *de-facto* complainant is none other than the wife of the petitioner and in order to drive her out, the petitioner has fabricated the document and has also illegally taken possession without following the process of law. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6. The only allegation against this petitioner is that he has taken illegal possession of the *de-facto* complainant's residence. According to the FIR, the occurrence took place on 29.01.2026 and the FIR was registered on the same day.

7. The learned counsel for the petitioner/A1 would submit that the flat belongs to the petitioner and that he has got the Sale Deed by virtue of the Sale Deed dated 24.12.2025. However, the learned Government Advocate (Crl.Side) would strongly oppose the anticipatory bail on the ground that the *de-facto* complainant is none other than the wife of the petitioner, and in order to drive



her out, the petitioner has fabricated this document and has also illegally taken possession without following the process of law.

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8. While looking into the factual positions, the only allegation against the petitioner is that he took illegal possession and there is no injury to anyone. Hence, taking into consideration of the totality of the circumstances, this Court is of the firm view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions:

9. Accordingly, the petitioner is ordered to be released on anticipatory 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 Ambattur, Chennai**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 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;



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(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, twice a day at 10.30 a.m., and 5.30 p.m., for a period of two weeks and thereafter, as and when required for the interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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09-04-2026



To

1. The Judicial Magistrate,
Ambattur,
Chennai.
2. The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur,
Chennai.
3. The Public Prosecutor,
The High Court of Madras.



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C.KUMARAPPAN, J.

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