



WEB COPY

CRL OP No. 8355 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8355 of 2026

1. M Selvaraj
2. S.Muthuraj

..Petitioners

Vs

The State of T.N.
(Reps. by the Inspector of Police),
Inspector of Police,
Elvanasurkottaj Police Station,
Kallakurichi District.
Crime No.54 of 2026

..Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS to pass orders to enlarge the petitioners on bail in the event of the petitioners arrest in Crime No.54/2026 on the file of respondent Police.

For Petitioners:

Mr.D.Babu Varadharajan

For Respondent:

Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioners apprehends arrest for the alleged offence under Sections 296(b), 329(3), 324(4), 74, 351(3) of BNS in Crime No.54 of 2026 on the file of the respondent police seek anticipatory bail.



2. The case of the prosecution is that there is a land dispute between the petitioners and the de facto complainant. Due to which, the petitioners have caused damage to the agricultural crops and motor pump set worth Rs.2 lakhs of the de facto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the entire issue is of civil in nature and the de facto complainant is none other than brother's wife of the 1st petitioner and the property that are alleged to have been damaged is absolutely belongs to the petitioners and in this connections, the suit in Civil Suit No,982 of 2024 is pending. He further submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners are ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the occurrence took place on 20.02.2026 and FIR registered on 09.03.2026 and opposed to grant anticipatory bail to the petitioner.

5. From the submissions made by the learned counsel on either side and taking into consideration of the totality of the circumstances, the registration of FIR was on 09.03.2026 and the occurrence took place on 20.02.2026. The fact



that there is a suit pending in Civil Suit No.982 of 2024 and upon the fact of familial relationship with the petitioners, at this length of time, the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail under 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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, No.II, Uldurpettai** on condition that **the petitioners shall execute a separate 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 petitioners 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 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;

(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.

02-04-2026

SHL

To:

1. The Judicial Magistrate, No.II,
Uldurpettai

2. The Inspector of Police,
Elvanasurkottaj Police Station,
Kallakurichi District.

3. The Public Prosecutor,
High Court of Madras



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C.KUMARAPPAN J.

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