



WEB COPY

CRL OP No. 12312 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12312 of 2026

S.Kannan

..Petitioner(s)

Vs

The State by Inspector of Police
Magudanchavadi Police Station,
Salem District
Crime No.84 of 2026.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the Petitioner on bail in the event of his arrest by the respondent police in Crime No.84 of 2026 pending investigation on the file of Inspector of Police, Magudanchavadi Police Station, Salem district and thus render justice.

For Petitioner(s): Mr.A.Saravanan

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 329(4), and 351(3) of B.N.S. 2023, and Section 3(1) of the TNPPDL Act, in connection with Cr. No. 84 of 2026, seeks anticipatory bail.



2.The case of the prosecution is that the de-facto complainant runs a textile business, and co-accused Jayakumar (A-1) and Arunprasath (A-2) are his brothers. Due to an ongoing civil dispute regarding the partition of their family land, on 01.04.2026, Jayakumar and Arunprasath, along with the petitioner and other accused, allegedly trespassed into the house and textile company of the de-facto complainant, damaged the compound wall, and assaulted and abused them in filthy language. Hence, the case.

3.The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner due to a long-standing partition dispute since 2021 between the de-facto complainant and his brothers. On 01.04.2026, the de-facto complainant and certain other persons arrived at the land of A-1 and A-2 and initiated a quarrel. The petitioner, being a relative, merely attempted to stop the fight but was assaulted. Following this incident, a counter-case was registered in Cr. No. 85 of 2026 against the de-facto complainant party, and a subsequent case in Cr. No. 102 of 2026 was also registered against them for damaging A-1's house. He further submits that co-accused A-3 to A-6 were granted anticipatory bail in Crl. O.P. Nos. 11347 and 11345 of 2026, and A-7 to A-12 were released on bail in Crl. O.P. No. 11736 of 2026. Since the dispute arises out of an immovable property conflict, a counter-case exists, and co-accused have already been granted relief, he prays for anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that based on the complaint, a case was registered in Cr. No. 84 of 2026, and the matter is under investigation. He confirms that a counter-case in Cr. No. 85 of 2026 has been registered and that co-accused persons have already been enlarged on bail and also the injured persons have already been discharged from the hospital. But he opposes to grant anticipatory bail to the petitioner as the petitioner along with other accused damaged the compound wall of the property and caused injuries.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions on either side, the nature of the offences, and the fact that the dispute purely arises out of an ongoing family conflict regarding immovable property, and taking note of the fact that a counter-case has been registered in Cr. No. 85 of 2026, the injured individuals have already been discharged from the hospital, the co-accused have been released on bail, and there are no previous cases pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No. II, Sankari on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for investigation.

[b] the petitioner 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 her from disclosing such facts to the Court or to any police officer;

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNSS, 2023.

13-05-2026

SHA/MKA

Note:

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

To:

- 1.The Judicial Magistrate No. II,
Sankari.
- 2.The State by Inspector of Police
Magudanchavadi Police Station,
Salem District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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