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CRL OP No. 13188 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13188 of 2026

Shaffiullah
S/o. Askar Ullah

..Petitioner/Accused

Vs

State Rep by The Inspector of Police
R-5, Virugambakkam,
Chennai.

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail to the petitioners / Accused in the event of arrest, in Crime No not known of 2026 pending on the file of R-5 Virugambakkam Police Station, Chennai.

For Petitioner:

M/s.V.Shenaz

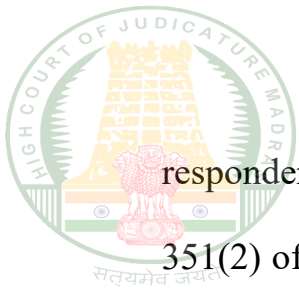
For Respondent:

Mr.S.Balaji, Govt. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2.The petitioners / Accused, apprehend arrest at the hands of the



respondent police for the alleged offences punishable under Sections 74 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 in Crime No. Not Known of 2026 on the file of the respondent police.

3.The case of the prosecution is that the defacto complainant, namely Sujana Kumari, lodged a complaint alleging that the petitioners criminally intimidated her and outraged her modesty during an altercation regarding a shop premises. Hence, the case.

4.The learned counsel for the petitioner submits that the petitioner is an innocent person and has been falsely implicated in this case with an ulterior motive to give a criminal colour to a purely civil dispute relating to tenancy and possession. He would further submit that the petitioner is a physically disabled person running a bakery business in the tenanted premises since 1980, and has been paying rents regularly. He added that the civil proceedings are already pending between the parties, and the defacto complainant attempted to unlawfully evict the petitioner by breaking open the shop door. When questioned by the petitioner and his advocate, the defacto complainant recorded videos and foisted this false complaint to exert pressure. He further submitted that no previous case is pending against the petitioner. Therefore, he prayed to grant an order of pre-arrest bail to the petitioner.



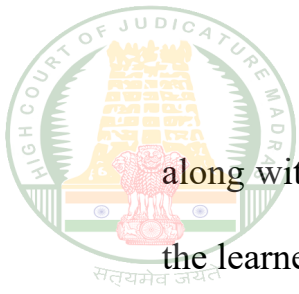
5.The learned Government Advocate (Crl.Side) appearing for the respondent opposed the grant of pre-arrest bail to the petitioner considering the nature of the allegations involving outraging the modesty of a woman.

6.Heard on both sides. This Court has perused the records.

7.The case of the prosecution is that the petitioner insulted and intimidated the defacto complainant over a property dispute. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, the dispute is purely civil in nature between a landlord and tenant, the petitioner is physically disabled, and no previous case is pending against the petitioner.

8.Considering the above facts and circumstances of the case, the nature of the offence is arising out of a tenancy dispute and the fact that civil proceedings are pending, this court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i)The petitioner shall be released on bail in the event of arrest or in the event of surrender before the learned Metropolitan Magistrate Court, Saidapet within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each



along with two sureties each for a like sum of Rs.10,000/- to the satisfaction of the learned Metropolitan Magistrate, Saidapet;

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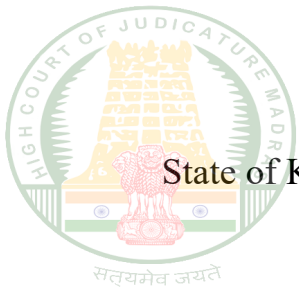
(ii)The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Metropolitan Magistrate shall obtain a copy of any one of their identity proofs to ensure their identity;

(iii)The petitioner shall appear and sign before the respondent police, weekly twice on every Monday and Friday at 10.00 a.m. until further orders;

(iv)The petitioner shall make himself available for interrogation by police as and when required;

(v)The petitioners 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 them from disclosing such facts to the Court or to any police officer;

(vi)On breach of any of the aforementioned conditions, the learned Metropolitan Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.



State of Kerala [(2005) 13 SCC 283].

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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

21-05-2026

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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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 official website of this Court will be watermarked and will also have a QR code.**

To

1. The Metropolitan Magistrate Court,
Saidapet.

2. The Inspector of Police
R-5, Virugambakkam,
Chennai..

3. The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL, J.

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