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CRL OP No. 36092 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 36092 of 2025

K.Athinarayanan
S/o. Karuppiah,
No.207, East Street, Maitanpatti,
Kallikudi Taluk,
Madurai-625 701.

..Petitioner(s)

Vs

The State of Tamil Nadu Rep. by
Inspector of Police,
CB-CID, Chennai.
(in Crime No.9 of 2025)

..Respondent(s)

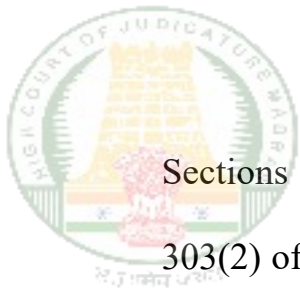
Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, Act, 2023, praying to grant Anticipatory Bail to the
petitioner herein/Rank Not Known in the event of the arrest or surrender in
Crime No.09 of 2025 on the file of the Respondent Police

For Petitioner(s): Mr.R.Vignesh
for Mr.S.Nirmal Kumar

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

ORDER

The petitioner apprehends arrest for the alleged offence under Section 3
of the Official Secrets Act, 1923, Section 9 of the Public Record Act, 1993,



Sections 7 and 13(1a) of the Prevention of Corruption Act, 1995 and Section 303(2) of BNS Act (corresponding Section 379 IPC), in Crime No.9 of 2025 on the file of the respondent police seeks anticipatory bail.

2. The learned counsel for the petitioner would vehemently submit that the petitioner, relying upon documents which were available on social media, had filed a Public Interest Litigation in W.P.(MD) No.34197 of 2025 and the same was disposed of on 20.02.2026. When such a PIL was filed, based upon a letter addressed by the Enforcement Department to the DGP, after seeing the above document available in the typed set of papers, the respondent registered a case under Section 3 of the Official Secrets Act, 1923, Section 9 of the Public Records Act, 1993, Sections 7 and 13(1)(a) of the Prevention of Corruption Act, 1988, and Section 303(2) of the BNS Act (corresponding to Section 379 IPC).

3. The learned counsel for the petitioner would further submit that the petitioner is in public life and is a leader of a political party and that he has a duty to bring out corruption. Therefore, based upon the document which is available in social media, he filed the above PIL.

4. The said contention was strongly objected to by the learned Additional Public Prosecutor, who would submit that no such document was available on



social media and that the petitioner, by playing corrupt practices, had obtained such a confidential document. Therefore, unless the petitioner is interrogated in custody, the question of identifying the source would be too difficult.

5. Apart from that, the learned Additional Public Prosecutor would further submit that there are about 32 previous cases pending against the petitioner, and even in the additional affidavit the petitioner himself has admitted the same. Though 18 cases have been disposed of, the learned Additional Public Prosecutor would submit that the remaining cases are serious in nature and that the petitioner only by using corrupt practices has obtained such confidential documents. Therefore, the application has to be dismissed.

6. The learned Additional Public Prosecutor would invite the attention of this Court to the observation made by the Division Bench of this Court in W.P. (MD) No.34197 of 2025 dated 20.02.2026, wherein the Division Bench has held that mere registration of an FIR cannot be construed as proof of the allegation. This Court does not have any second thought regarding the above observation.

7. I have given anxious consideration to the submissions made by the learned counsel on either side and the learned Additional Public Prosecutor and



perused the records available.

8. While looking into the facts and circumstances of the case, there is no serious dispute with regard to the authenticity of the contents of the document, and what has been seriously questioned by the respondent is only the source as to how such document reached his hands. The learned counsel for the petitioner would submit that the petitioner was summoned previously by the respondent police and that he has been cooperating in the enquiry and that he undertakes to cooperate in future for the further investigation.

9. From the submissions made by the learned Additional Public Prosecutor, the custodial interrogation of the petitioner is sought only for the purpose of identifying the source from which the document has leaked. However, it is evident from the records that the petitioner had previously appeared before the respondent police and there is no material to show that the petitioner has not cooperated with the investigation.

10. The Hon'ble Supreme Court has time and again categorically held that the arrest of an individual should be as a last resort and the investigating agency cannot use the same at their discretion. Even in the recent judgments of the Hon'ble Supreme Court in *Satender Kumar Antil v. Central Bureau of*



Investigation, reported in *2026 INSC 115* and *2025 SCC Online SC 1578*, by following the judgment in *Arnesh Kumar v. State of Bihar* reported in *(2014) 8 SCC 273*, categorically held as to how summons have to be issued and under what circumstances arrest may be effected.

11. In the above judgments, the Hon'ble Supreme Court has further held that even the non-appearance of a person upon summons is not by itself a ground to straightaway arrest an individual unless there are other sufficient reasons, and that the liberty of a person has to be protected.

12. In view of the above position of law and, taking into consideration of the fact that the respondent has mainly questioned only the source from which the document was secured, the question of custodial interrogation of the petitioner does not require. Hence, in view of the above detailed discussion, this Court finds that the liberty of an individual should not be curtailed merely because he has produced certain records before the Court dealing with allegations of corruption in Government department. Hence, in such view of the matter, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.



13. Accordingly, the petitioner is ordered to be released on 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 XI Metropolitan Magistrate Court, Saidapet, Chennai-15**, on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of three 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 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]*;



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(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

05-03-2026

cda

To

- 1.The XI Metropolitan Magistrate Court,
Saidapet, Chennai-15.
- 2.The Inspector of Police,
CB-CID, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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