

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-05-2026

CORAM

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

CRL OP No. 11627 of 2026

Shankar @ Savukku Shankar
S/o. Late, Achimuthu

..Petitioner(s)

Vs

The Inspector of Police,
M3, Puzhal Police Station, Chennai.
(Crime No.302/2026)

..Respondent(s)

Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner on bail in Crime No.302 of 2026 on the file of Respondent Police.

For Petitioner(s): Mr.Arun Anbumani,
for Mr. P.Rajkumar

For Respondent(s): Mr. A. Damodharan,
Additional Public Prosecutor, (Crl.Side)

ORDER

This Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to enlarge the petitioner / Accused No.1 on bail in Crime No.302 of 2026 registered on the file of the respondent police for the alleged offences under Sections 296(b), 125, 132, 109(1) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.



2. The petitioner was arrested on 08.04.2026 and remanded to judicial custody on 09.04.2026 at about 3.30 a.m. The petitioner's earlier bail petition in Crl.M.P.No.162 of 2026 before the learned Principal District and Sessions Judge, Tiruvallur, came to be dismissed on 24.04.2026. The present petition is stated to be the first bail petition before this Court.

Case of the Prosecution:

3. The prosecution case, in brief, is that the petitioner was arrested on 08.04.2026 at Ongole, Andhra Pradesh, by a police team and was being brought to Puzhal Police Station, Chennai. While the police vehicle reached near Kavangarai, the vehicle was stopped to enable the petitioner to answer nature's call. The petitioner was allegedly taken aside by the Police Inspector, Mr.Buhari.

4. At that time, the *de facto* complainant, namely Mr.Dhanasekaran, Sub-Inspector of Police attached to the respondent police station, is stated to have reached the said place and remained near the vehicle. It is alleged that Accused Nos.2 to 5, who came in another car, picked up a quarrel with the *de facto* complainant, abused him in filthy language, pelted stones at him and threatened the police personnel.



5. It is further alleged that the petitioner also joined the other accused, threw stones and caused panic among the public. On the above allegations, Crime No.302 of 2026 came to be registered against the petitioner and the other accused.

Submissions on behalf of the Petitioner:

6. The learned counsel appearing for the petitioner submitted that the entire prosecution case is artificial, concocted and inherently unbelievable. According to him, the petitioner was admittedly in the custody and physical control of the respondent police when the alleged occurrence is said to have taken place. Therefore, the allegation that the petitioner, while in police custody, had pelted stones and caused panic is wholly improbable.

7. It is further submitted that the petitioner was illegally secured at Ongole, Andhra Pradesh, on 08.04.2026 at about 6.00 a.m. and was brought to Chennai by the respondent police. While he was in the custody of the police, the present case has been foisted against him with an ulterior motive.

8. The learned counsel would further submit that the petitioner is a journalist, political satirist, blogger and investigative reporter running a digital media platform under the name and style of “Savukku”. It is contended that he



has been subjected to repeated criminal proceedings, preventive detention orders and police action on account of malicious and retaliatory prosecution.

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9. A serious contradiction is also pointed out between the prosecution version in Crime No.258 of 2026 and Crime No.302 of 2026. In Crime No.258 of 2026, it is alleged that the petitioner escaped from Priya Residency, Chittoor Road, at about 2.00 a.m. on 08.04.2026 in an Innova Crysta car bearing Registration No.AP-39 WD 2525 and that the hotel manager, Mr.Praveen, accompanied the police team in a separate vehicle for nearly 250 kilometres to identify the said car, which ultimately led to the petitioner's apprehension at Ongole.

10. However, in the present Crime No.302 of 2026, the very same Mr.Praveen is shown as travelling in the very same car bearing Registration No.AP-39 WD 2525 along with the other accused persons and is alleged to have participated in the incident of stone pelting and threatening the police at about 11.30 a.m. on the same day at Kavangarai, Chennai. According to the learned counsel, the same person and same vehicle cannot be projected in two incompatible roles in two different prosecution versions on the very same day.

11. The learned counsel further submitted that the petitioner's mother was seriously ill and was undergoing treatment in hospitals at Bengaluru and



that the petitioner had travelled in connection with the same. It is submitted that the petitioner has been in incarceration from 09.04.2026 and that further detention would serve no useful purpose.

12. It is finally submitted that the petitioner undertakes to abide by any stringent condition that may be imposed by this Court and is ready to execute necessary sureties.

Submissions of the learned Additional Public Prosecutor:

13. Per contra, the learned Additional Public Prosecutor, Mr.Damodharan, opposed the grant of bail. He submitted that the petitioner is involved in a serious case where the police personnel were abused, threatened and attacked by pelting stones. According to him, the conduct attributed to the petitioner and the co-accused directly affects public order and the authority of law enforcement.

14. The learned Additional Public Prosecutor further submitted that the petitioner has already been detained under Act 14 of 1982, namely, the Tamil Nadu Prevention of Dangerous Activities Act, commonly known as the Goondas Act. Therefore, according to the prosecution, the question of granting bail would not arise at this stage.



15. In answer to the said objection, the learned counsel for the petitioner relied upon the order of this Court in CRL.O.P.(MD) No.439 of 2025 dated 21.11.2025 and submitted that the mere passing of an order of preventive detention cannot be treated as a legal bar for considering a statutory bail application on its own merits.

Points for Consideration:

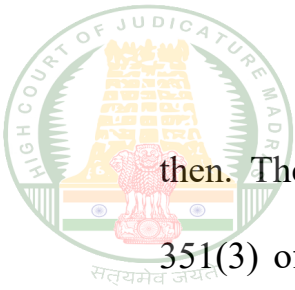
16. The point that arises for consideration is:-

“Whether the petitioner / Accused No.1 is entitled to be enlarged on bail in Crime No.302 of 2026, having regard to the nature of allegations, the period of incarceration, the alleged contradictions in the prosecution version and the objection raised on the ground of preventive detention under Act 14 of 1982?”

Discussion and Analysis:

17. Bail jurisprudence rests on the solemn principle that personal liberty cannot be curtailed except in accordance with law and only for reasons which are germane to the necessity of continued detention. At the stage of considering bail, this Court is not expected to conduct a mini trial or render conclusive findings on disputed facts. Nevertheless, the Court is duty-bound to examine whether the continued incarceration of the accused is necessary for investigation, trial, public interest or to prevent tampering with witnesses.

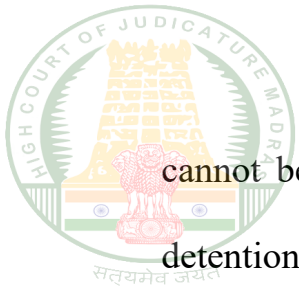
18. In the present case, the petitioner was arrested on 08.04.2026 and remanded to judicial custody on 09.04.2026. He has been in incarceration since



then. The offences alleged are under Sections 296(b), 125, 132, 109(1) and 351(3) of BNS, 2023. The gravamen of the prosecution allegation is that the petitioner and the other accused abused the police personnel, pelted stones, threatened them and caused panic among the public.

19. The allegation under Section 296(b) of BNS relates to obscene words or acts causing annoyance. The allegation of stone pelting and threat is sought to be brought within the other penal provisions cited in the FIR. However, the materials presently placed before this Court would show that the petitioner was already in the custody of the police when the alleged incident is said to have occurred. This circumstance is relevant at the stage of bail, though it is not to be treated as a final pronouncement on the truth or falsity of the prosecution case.

20. The petitioner has also raised a specific contention regarding the alleged contradiction between Crime No.258 of 2026 and the present Crime No.302 of 2026. The submission is that the same person, namely Mr.Praveen, and the same vehicle bearing Registration No.AP39WD2525 have been projected in two different and mutually inconsistent versions on the same day. Whether such contradiction would ultimately demolish the prosecution case is a matter for investigation and trial. However, at this stage, the said circumstance



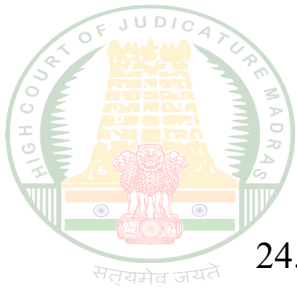
cannot be brushed aside altogether while considering the necessity of further detention.

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21. The prosecution has opposed bail mainly on the ground that the petitioner has already been detained under *Act 14 of 1982*. Preventive detention and punitive custody in a criminal case operate in different fields. A preventive detention order may have its own life and validity subject to challenge in appropriate proceedings. However, the mere existence of such detention order cannot denude this Court of its jurisdiction to consider a bail petition arising out of a particular crime. The entitlement to bail in a criminal case has to be examined independently on the facts of that case.

22. Therefore, the contention of the learned Additional Public Prosecutor that the bail petition is not maintainable merely because the petitioner has been detained under Act 14 of 1982 cannot be accepted. The bail petition is maintainable and has to be considered on its own merits.

23. The petitioner has expressed readiness to comply with any condition imposed by this Court. The apprehension of the prosecution regarding possible interference with investigation can be suitably addressed by imposing stringent conditions. The petitioner shall not tamper with evidence, shall not intimidate witnesses and shall cooperate with the investigation.

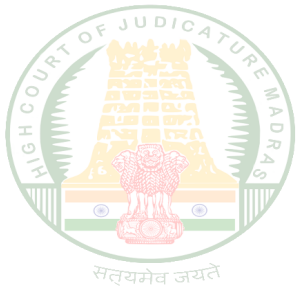


24. In the facts and circumstances of the case, considering the period of incarceration from 09.04.2026, the nature of the allegations, the fact that the petitioner was already in police custody at the time of the alleged occurrence, the alleged inconsistencies pointed out in the prosecution version and the settled principle that bail is the rule and jail is the exception, this Court is inclined to enlarge the petitioner on bail subject to stringent conditions.

25. The liberty of a citizen is not to be weighed lightly merely because allegations are grave. The law insists that liberty and investigation must be balanced with judicial care. Where the presence of the accused can be secured by conditions and where the apprehensions of the prosecution can be neutralised by safeguards, continued incarceration would not be justified merely as a matter of course.

26. Accordingly, this Criminal Original Petition is allowed and the petitioner / Accused No.1 is ordered to be enlarged on bail in Crime No.302 of 2026 on the file of the respondent police, subject to the following conditions:-

(i) 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 Judicial Magistrate, Madhavaram/ concerned.



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(ii) The sureties shall affix their photographs and left thumb impressions in the surety bonds and shall produce copies of their Aadhaar Card or other valid identity proof.

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

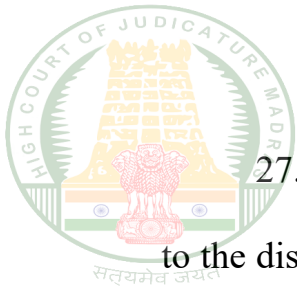
(iv) The petitioner shall not tamper with evidence or influence, threaten or intimidate any witness, either directly or indirectly.

(v) The petitioner shall not abscond either during investigation or trial.

(vi) The petitioner shall cooperate with the investigation and shall make himself available for interrogation as and when required by the respondent police.

(vii) The petitioner shall not involve himself in any offence of similar nature.

(viii) On breach of any of the aforesaid conditions, the respondent police is at liberty to move the jurisdictional Court for cancellation of bail in accordance with law.



27. It is made clear that the observations made herein are confined only to the disposal of this bail petition and shall not influence the investigation, trial or any other proceedings arising out of Crime No.302 of 2026.

28. Consequently, connected miscellaneous petitions, if any, are closed.

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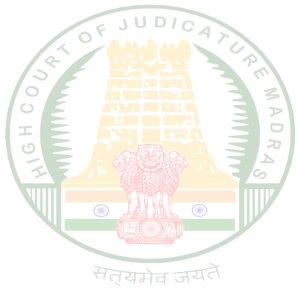
Neutral Citation: Yes/No
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Note :

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

To

1. The Judicial Magistrate, Madhavaram.
2. The Superintendent of Police, Central Prison, Puzhal-II.
3. The Inspector of Police, M3, Puzhal Police Station, Chennai.
4. The Public Prosecutor, High Court of Madras, Chennai.



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L.VICTORIA GOWRI, J.

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