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Crl.O.P.No.16640 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.16640 of 2026

1.Gowri
2.Vigneshwaran

... Petitioners

Vs.

The State rep. by its.
The Inspector of Police,
M-8, Sathangadu Police Station,
Sathangadu, Tiruvottiyur,
Chennai-600 068.
(Crime No.141 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.141 of 2026 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.P.Sivashankar

For Respondent : Mr.N.Palanivel
Government Advocate (Crl.Side)

For Intervenor : Mr.D.Prasanna Kumar



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ORDER

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The petitioners who apprehend arrest for the alleged offence under Sections 316(2) and 318(4) of BNS, 2023 in Crime No.141 of 2026 on the file of the respondent police, seek anticipatory bail.

2. The accused persons are the neighbors of the defacto complainant. The allegation against the petitioners is that they approached the defacto complainant to purchase their apartment which is already in mortgage loan in the name of the first accused, based on which, the defacto complainant settled the mortgage loan to the tune of Rs.40,78,000/- and also entered into an agreement of sale for a consideration of Rs.55,00,000/-. However, the first accused, after redeeming the said mortgage, failed to complete the sale as agreed. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submitted that the co-accused person was already granted on bail by this Court in Crl.O.P.No.16991 of 2026 and the dispute is purely civil in nature. Hence, he prayed for grant of anticipatory bail to the petitioners.



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WEB COPY 4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the investigation is still pending. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor opposed to grant of anticipatory bail to the petitioner on the ground that if the petitioner is enlarged on bail, it would be too difficult for the defacto complainant to get back the amount.

6. The gravement of the issue rests upon the sale agreement dated 28.09.2025. As rightly contended by the learned counsel appearing for the petitioner, it is a case of civil in nature and as there is an agreement between the parties which clearly shows that the petitioner has not executed any sale deed, it is for the defacto complainant to approach the civil Court concerned. At this juncture, this Court would like to record the bail granted to the first accused on 03.07.2026 in Crl.O.P.No.16991 of 2026. In such circumstances, this Court is of the firm view that the custodial interrogation of the petitioners



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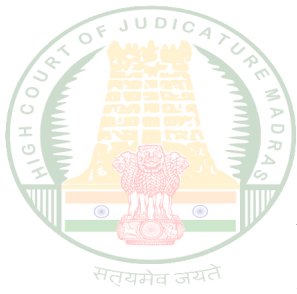
are not required. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory 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 made ready, before the learned **Judicial Magistrate, Tiruvottiur**, on condition that **the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each**, 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 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 daily at 10.30 a.m., for a period of two**



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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 abscond, a fresh FIR can be registered under Section 269 of BNS Act.

14.07.2026

ssb

To

1.The Judicial Magistrate, Tiruvottiyur.

2.The Inspector of Police,
M-8, Sathangadu Police Station,
Sathangadu, Tiruvottiyur,
Chennai-600 068.

3.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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