



CrI.OP.No.831 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.831 of 2025

R.Shankar

... Petitioner /Accused-2

Vs.

The State rep. by
The Inspector of Police,
Beta – II, EDF – I,
Central Crime Branch,
Vepery, Chennai – 600 007.

... Respondent/Complainant

(Crime No.88 of 2024)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.88 of 2024 by the respondent Police.

For petitioner : Mr.Ramesh Manikandan A

For Respondent : Mr.S.Balaji,
Government Advocate (CrI.Side)

For Intervenor : Ms.Vedavalli Kumar



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CrI.OP.No.831 of 2025

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120B r/w Section 34 of IPC, in Crime No.88 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant entered into an agreement with A1 for purchase of a Flat and that the defacto complainant had paid the entire sale consideration to A1. Pursuant to which, A2, the land owner, had executed a Sale Deed in respect of the undivided share and thereafter A1 had refused to complete the construction and hand over the Flat to the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner/A2 would submit that the petitioner himself is a victim in the transaction and that there are several cases pending between the parties including an arbitration which was conducted by a learned retired Judge of this Court and that the impugned complaint is nothing but an indirect method to bring the petitioner to terms



CrI.OP.No.831 of 2025

and submitted that custodial interrogation is not required. Hence, he prays for the grant of anticipatory bail.

4.The learned counsel for the defacto complainant would submit that the defacto complainant paid the entire sale consideration and arbitration is also conducted and that in spite of payment of the entire sale consideration, the property is yet to be handed over to the defacto complainant and opposed the grant of anticipatory bail.

5.Learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case.

6.Heard the learned counsel for the petitioner, the learned counsel for the defacto complainant and the learned Government Advocate (CrI.side) for the respondent and perused the materials available on record.

7.Considering the nature of allegations, the dispute being commercial in nature and the fact that there was an arbitration between the parties and



this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 of receipt of copy of this order, before the **Judicial Magistrate – I, Alandur**, on condition that the petitioner shall execute a bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;



CrI.OP.No.831 of 2025

[d] the petitioner shall not tamper with evidence or witness 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*** reported in **[(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

12.02.2025

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CrI.OP.No.831 of 2025

SUNDER MOHAN, J.

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To

1.The Inspector of Police,
Beta – II, EDF – I,
Central Crime Branch,
Vepery, Chennai – 600 007.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The Judicial Magistrate – I, Alandur.

CrI.OP.No.831 of 2025

12.02.2025
(1/2)