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Crl.O.P.No.90 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.90 of 2025

1. Prakash

2. Sangeetha Rajan

... Petitioners

Vs.

The Inspector of Police,
Central Crime Branch,
Tiruppur City,
Tiruppur.

(in Crime No.18 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in the event of their arrest in Crime No.18 of 2024 on the file of The Inspector of Police, Central Crime Branch, Tiruppur City.

For Petitioners : Mr.C.Emalias

for M/s R.Pavithra

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.side)

For Intervenor : Mr.V.Selvaraju



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ORDER

Apprehending arrest in connection with Crime No.18 of 2024 registered for the offences punishable under Sections 406, 420 and 506(ii) of IPC, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent persons and a case of civil dispute has been falsely projected against the petitioners. There were civil dispute between the petitioners and the defacto complainant. While so, on 26.12.2024, the defacto complainant along with his friends with the help of an Ex-MLA, had quarrelled with the first petitioner in front of his office and the accused had brutally assaulted the first petitioner with knife and sickle, thereby caused multiple injuries. The first petitioner was initially admitted to Government Hospital and later referred to Royal Care Hospital, Coimbatore for better treatment. The first petitioner underwent three surgeries and he is fully taking treatment. In order to



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escape from the case, a false case has been foisted as against the petitioners. The first petitioner had also given a complaint in Crime No.49 of 2024 on the file of the CCB Police Station, Coimbatore. He further submitted that the petitioners are ready and willing to abide by any stringent conditions that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioners would submit that the defacto complainant had entered into an agreement for sale with A3 for purchase of a property and the sale consideration was fixed at Rs.2.64 Crores and an amount of Rs.1 Crore was paid as an advance. Subsequently, the defacto complainant had borrowed an amount of Rs.50 Lakhs from A1 and as a security, he had handed over the Memorandum of Understanding entered between him and A3. While being so, the defacto complainant had repaid the amount borrowed from A1. In order to defraud the defacto complainant, A3 sold the property in favour of A1 and cheated the defacto complainant. He further submitted



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that another case in Crime No.1 of 2025 has been registered on the file of the respondent Police, on the complaint given by one Kavitha.

4. The learned counsel appearing for the Intervenor would submit that the petitioners had cheated the defacto complainant to the tune of Rs.1 Crore and when the same was questioned by the defacto complainant, the defacto complainant was abused and attacked by the accused.

5. Having heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.side) for the respondent and perused the FIR in Crime No.49 of 2024, FIR in Crime No.1295 of 2024 and FIR in Crime No.1 of 2025, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruppur, on condition that



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the petitioners shall execute a separate bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the first petitioner, after discharge from the hospital shall report before the respondent Police daily at 10.30 a.m, for a period of one week and thereafter, every Saturday at 10.30 a.m, until further orders; the second petitioner shall report before the respondent Police daily at 10.30 a.m, for a period of one week and thereafter, every Saturday at 10.30 a.m, until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the



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petitioners 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 [(2005)AIR SCW 5560];

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

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To

1. The Inspector of Police,
Central Crime Branch,
Tiruppur City,
Tiruppur.

2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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