



CrI.OP.No.312 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.312 of 2025

1.Mr.R.Murugadoss

2.Mrs.Nirmala

.. Petitioners/Accused 1 & 2

Vs.

The State rep by
The Inspector of Police,
C3 Seven Wells Police Station,
Chennai.
Crime No.273 of 2024

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of their arrest in Crime No.273 of 2024 on the file of the respondent
Police.

For Petitioners : Mr.Kingston Jerold

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



ORDER

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The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 506(i) of IPC in Crime No.273 of 2024, seek anticipatory bail.

2. The case of the prosecution that the defacto complainant had entered into a sale agreement on 15.03.2024; that the sale consideration was fixed at Rs.82,00,000/- and the defacto complainant had paid a sum of Rs.30,00,000/- as advance amount; and that the petitioners neither executed the sale deed nor returned the money. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the allegations are false; that there is a civil dispute between the petitioners and the defacto complainant; that the petitioners to show their bonafide, are willing to return the advance amount to the defacto complainant within a period of eight weeks and prayed for anticipatory bail. The learned counsel for the petitioners also produced a copy of the affidavit dated 05.03.2025 filed by the first petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the petitioners cheated the defacto complainant to the tune of Rs.30,00,000/-.

5. The first petitioner has filed an affidavit and the relevant paragraph No.4 reads as follows:

“ I further state that, I have no money sources except to sell the schedule property and I undertake that I will return the advance amount of Rs.30,00,000/- to the defacto complainant for which 8 weeks time may be granted and am ready to abide by the conditions of this Hon'ble Court. They will not indulge with any act of tampering the evidence or any other act which prejudices to the interest of justice.”

6. Considering the affidavit filed by the 1st petitioner and the nature of allegations against the petitioners, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners on certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned VIII Metropolitan Magistrate, George Town, Chennai**, on condition that the petitioners shall execute a separate bond for a 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) to the credit of the Crime No.273 of 2024 within a period of eight weeks from the date of receipt of this order; on such deposit, the defacto complainant is permitted to withdraw the same.

[b] the petitioners and 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.

[c] the petitioners shall appear before the respondent police everyday at 10.30 a.m., until further orders.



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[d] if any of the above conditions are not complied with, the anticipatory bail granted to the petitioners shall stand automatically cancelled without any reference to this Court;

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f]the petitioners shall not abscond either during investigation or trial.

[g]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 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].

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

13.03.2025

Index : Yes / No

rkp

To

- 1.The Inspector of Police,
C3 Seven Wells Police Station,
Chennai.
- 2.The VIII Metropolitan Magistrate, George Town, Chennai.
- 3.The Public Prosecutor, Madras High Court, Chennai.



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SUNDER MOHAN, J.

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