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Crl OP No.3681 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3681 of 2025

1. S.Usha
2. B.Sekar

... Petitioners

Versus

State rep by
The Inspector of Police,
T-16, Nazarathpet Police Station,
Poonamalle, Chennai.
Crime No.186 of 2023.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in connection with the complaint in Cr.No.186 of 2023 on the file of the respondent police.

For petitioners : Mr.Vijayakumar Sundarraman

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC in Crime No.186 of 2023, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners are arrayed as A4 and A5; that the defacto complainant had paid a sum of Rs.5,00,000/- to A3 towards advance for purchase a property comprised in Survey No.427 situated at Srinivasa Nagar, Meppur Village; and that A3 instead of selling the property to the defacto complainant had sold the property to the petitioners.

3. Learned counsel appearing for the petitioners would submit that admittedly there was no sale agreement between A3 and the defacto complainant ; that the petitioners had purchased the property from one Yogesh who purchased the property from A3; that the petitioners were not aware of the alleged agreement; that the petitioners came to know of the dispute between A3 and the defacto complainant when they received summons in O.S.No.142 of 2024 from the Principal District Court, Thiruvallur; and that in any case, the custodial interrogation of the petitioners is not required. Hence, he prayed for grant of anticipatory bail to the petitioners.

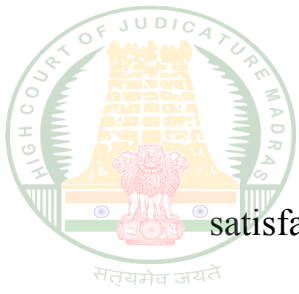
4. Learned Government Advocate (Crl. Side) appearing for the



respondent Police reiterated the prosecution case and on instructions submitted that the petitioners are subsequent purchasers and that the agreement between A3 and the defacto complainant was not registered and opposed the petitioners.

5. In the light of the above facts, this Court is of the view that the petitioners cannot be expected to know about the alleged transaction between A3 and the defacto complainant; In any case, they had purchased the property from one Yogesh for valid sale consideration. In such circumstances, considering the nature of allegations, this Court is of the view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 **Judicial Magistrate -I**, Poonamalle, on condition that the each of the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions that:

[a] the petitioners shall report before the respondent police as and required for interrogations.

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

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

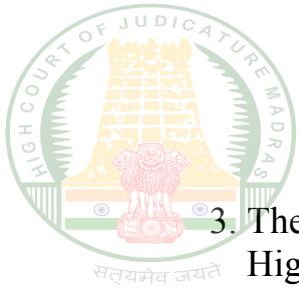
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

19.02.2025

Vv
To

1. The Judicial Magistrate-I,
Poonamalle.
2. The Inspector of Police,
T-16, Nazarathpet Police Station,
Poonamalle, Chennai.



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3. The Public Prosecutor,
High Court of Madras, Chennai.

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SUNDER MOHAN, J.

Vv

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