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Crl.O.P.No.3643 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.3643 of 2025

1. Dr.D.V.Sudhakar
S/o. Late D. Ethirajulu
2. T. Naveen Kumar
S/o. Telukunta Narayana Rao

....Petitioners/Accused 1 & 2

Vs

State represented by
The Inspector of Police,
T-4 Maduravoyal Police Station,
Chennai
(FIR No.1163 of 2024)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.1163 of 2024 on the file of the respondent police.

For Petitioners	: Mr. Ramakrishnan,N.
For Intervener	: Mr. S. Nambi Arooran
For Respondent	: Mr. S.Santhosh Government Advocate (Crl. Side)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 409 and 420 IPC, in Crime No.1163 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners are partners of a firm, which is engaged in construction; that the *de facto* complainant and other victims entered into an agreement with the petitioners; that the de facto complainant paid a sum of Rs.55,00,000/- and that the petitioners had neither allotted any flat to the petitioner nor returned the advance amount of Rs.55,00,000/-. Hence, the case.

3. The parties were referred to Mediation and it is now reported by the learned counsels for the petitioners and the *de facto* complainant that the parties have arrived at a settlement, which has been reduced into writing by way of a settlement agreement dated 24.03.2025, by which the petitioners agreed to return a sum of Rs.55,00,000/- in three installments and they have paid the first installment of Rs.15,00,000/- on 24.03.2025



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and due to pay the second installment by 20.04.2025 and the third installment by 20.05.2025. The parties also produced a copy of the Settlement Agreement dated 24.03.2025. The said Settlement Agreement entered into on 24.03.2025 between the petitioners and the *de facto* complainant before the Mediation and Conciliation Centre, High Court, Madras, is taken on record.

4. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 made ready, before **the learned Judicial Magistrate No.II, Poonamallee**, on condition that each of the petitioner shall execute a 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:



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[a] 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.

[b] the petitioners shall report before the respondent police as and when required.

[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 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].



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

27.03.2025

bga

To

1. The Judicial Magistrate No.II, Poonamallee.
2. The Inspector of Police,
T-4 Maduravoyal Police Station
Chennai .
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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