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Crl.O.P.No.3656 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3656 of 2025

DHANALAKSHMI

W/o. Murugesan No.246/ 1, Rogini Flats, Anna
Nagar West Extension, Chennai 600 101.

Petitioner(s)

Vs

State rep by the Inspector of Police
Crime Branch, V5, Thirumangalam Police
station Chennai. (Crime. No. 37 of 2025)

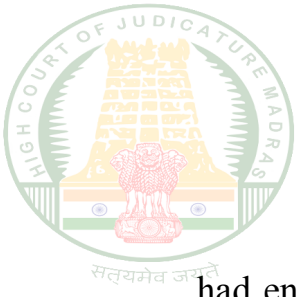
Respondent(s)

For Petitioner(s): A Murugavel

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120(B) of IPC in Crime No.37 of 2025, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the defacto complainant had entered into an unregistered sale agreement dated 01.08.2023 with the petitioner herein to purchase the petitioner's property; that he paid an amount of Rs.35,00,000/- and the petitioner handed over the possession of the property; and that inspite of repeated request and reminders, the petitioner evaded registration of Sale deed in favour of the defacto complainant as per the said sale agreement and had also not returned back advance received. Hence this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has never committed any offence as alleged by the prosecution; that as per the said sale agreement between the defacto complainant and the petitioner, the defacto complainant agreed to pay total sale consideration for a sum of Rs.1,30,00,000/-, out of which, the defacto complainant fixed 25 lakhs as an advance; that however, the defacto complainant only deposited a sum of Rs.18,00,000/- and had not paid the remaining amount; that the defacto complainant also filed a suit for recovery of money against the petitioner herein and others before the VI Additional Court at Egmore in Allikulam, which is pending in O.S.No.5256



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of 2024, for which the petitioner had also filed written statement and counter; that it is about a case of breach of sale agreement and a civil suit is pending; that hence custodial interrogation of the petitioner is not required; and that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and prayed for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the grievance of the defacto complainant is that the petitioner had not executed the sale deed as per the sale agreement; that a civil suit is also pending between the parties; and that the investigation is pending, hence opposed for the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. Taking note of the facts and circumstances of the case,



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considering the nature of allegation against the petitioner, submissions made by the learned counsels on either side; the fact that it is the case of breach of sale agreement; fact that a civil suit is pending between the parties and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned XIII Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner 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 petitioner 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



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or Bank pass Book to ensure their identity.

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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 [(2005)AIR SCW 5560].

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

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SUNDER MOHAN, J.

stn

To

1. State rep by the Inspector of Police
Crime Branch,
V5, Thirumangalam Police station
Chennai.
(Crime. No. 37 of 2025)

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