



Crl. O.P. No.4066 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.4066 of 2025

K. Devendhiran S/o. Kalimuthu

... Petitioner

Vs.

The State represented by:

The Inspector of Police,
T-10 Thirumullaivoyal Police Station,
Chennai.

(Crime No.25 of 2025).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.25 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M. Dhamodharan

For Intervenor : Mr. N. Sewa Kumar

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 22.01.2025, seeking bail in Crime No.25 of 2025 registered for the offences under Sections 336(2), 336(3), 338, 340(2), 318(4), 115(2) and 351(2) of BNS.



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2. The case of the prosecution is that the petitioner had represented to the defacto complainant that there is a land measuring to an extent of 875 sq. ft. with valid patta and he was ready to sell the property; that the defacto complainant believed the representation of the petitioner and agreed to purchase the same for a total sale consideration of Rs.14,50,000/-, that on 27.05.2023, the defacto complainant entered into a Sale Agreement and paid a sum of Rs.10 lakhs as advance and thereafter paid Rs.4.50 lakhs on various dates; that the petitioner neither obtained patta nor registered the sale deed and when questioned, he abused the defacto complainant in filthy language and assaulted her.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner false; that the petitioner is victimized, since he has made allegations against the Inspector of Police attached to the respondent; that dispute is civil in nature; that in any case, further custody of the petitioner is not required and that the petitioner, in this case, is in judicial custody from 22.01.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned counsel appearing for the intervenor / defacto complainant would submit that the case allegations against the petitioner are serious in nature



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and no indulgence will be shown to the petitioner and opposed for grant of bail to the petitioner.

5. Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and submitted that in spite of the fact that the entire sale consideration was paid, the petitioner has not executed sale deed.

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

7. Considering the nature of allegations against the petitioner, that it is a case of breach of sale agreement, period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-I, Ambattur, Chennai** and on further conditions that:



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[a] 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]*;

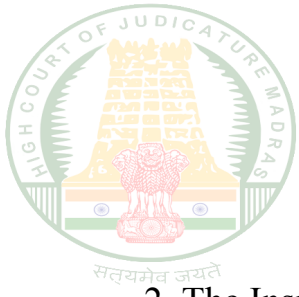
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.02.2025

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To

1. The Judicial Magistrate-I, Ambattur, Chennai.



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2. The Inspector of Police, T-10 Thirumullaivoyal Police Station, Chennai.

3. The Superintendent, Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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