



Crl.OP.No.5253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5253 of 2025

L Kirubakaran

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Macheri Police Station,
Salem District.

(Crime No.342 of 2023)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of his arrest in Crime No.342 of 2023 on the file of the respondent
Police.

For Petitioner : M/s.Ranjith Kumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Sections 120b, 406, 420 and
506(ii) of the IPC in Crime No.342 of 2023, seeks anticipatory bail.



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WEB COPY 2. Though the earlier anticipatory bail petition of the petitioner was dismissed by my learned predecessor, Hon'ble Justice RMT.Teekaa Raman, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. It is the case of the prosecution that Accused Nos.1 to 5 had promised to obtain loan of Rs.1 Crore for the defacto complainant from Accused No.6; that Accused No.6 insisted that the defacto complainant executes a sale deed in favour of 5.24 acres on the further condition that if the money is repaid by the defacto complainant, he would reconvey the property to the defacto complainant; that the Accused Nos.1 to 6 had paid only Rs.11 Lakhs to the defacto complainant; that since, they did not pay the remaining amount, Accused No.10 negotiated and Accused No.6 agreed to reconvey the property on the condition that the defacto complainant pays Rs.45 Lakhs; that to help the defacto complainant Accused No.11 agreed to arrange Rs.45 Lakhs on the condition that the defacto complainant should



execute a sale deed in respect of a land measuring 2.23 acres in favour of the petitioner/Accused No.12; that thereafter, the petitioner had sold the property contrary to his assurance to Accused No.11, since according to him, and thus, committed the aforesaid offences.

4. The learned counsel appearing for the petitioner submitted that the allegations are false; that it is a case of civil dispute and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case.

6. The earlier anticipatory bail application was dismissed by this Court on 21.08.2023 in Crl.O.P.No.17541 of 2023 with the following observations:



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SUNDER MOHAN, J.

vca

“7. Taking into consideration the submission made by learned counsel on either side and the overtact attributed to A12 is serious in nature, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.”

7. Considering the nature of allegations and since there is no change in circumstances, this Court is not inclined to entertain the second anticipatory bail petition.

8. Accordingly, this Criminal Original Petition is dismissed.

18.03.2025

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To

1. The Inspector of Police,
Macheri Police Station,
Salem District.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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