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Crl.O.P.No.5283 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5283 of 2025

E.Durai Raj

... Petitioner/A3

Vs.

State, Rep. by Inspector of Police
Manimangalam Police Station, Chennai.

(Crime No.436 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.436 of 2023, on the file of the respondent Police.

For Petitioner : Mr.Vijayalakshmi Raju

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

For Intervenor : Mrs.N.Shanmuga Priya

ORDER

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 468, 471 and 472 of IPC in Crime No.436 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 introduced the defacto



complainant to A5, A8 and A9; that the defacto complainant wanted to purchase a property; that A8 impersonated as the original owner conspired with the other accused and on the basis of the forged documents, sold the property and received a sale consideration of Rs.30 Lakhs; that the sale deed was executed on 22.11.2019; and that when the defacto complainant wanted to sell the property in the year 2020, he came to know that the parent documents were forged.

3. The learned counsel appearing for the petitioner would submit that in the FIR it is alleged that the petitioner has introduced those persons to the defacto complainant; that he is not a party to the alleged transaction; and that he was forced to admit the liability of Rs.10 Lakhs and issued a cheque in favour of the defacto complainant in the year 2021 when the earlier complaint was lodged. He further submitted that considering the nature of allegations, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail for the petitioner.

4. The learned counsel for the defacto complainant submitted that the petitioner is one of the main persons who are involved in the alleged offences. That out of the amount received, all the accused had paid only Rs.6 lakhs. The



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petitioner had agreed to pay Rs.10 lakhs; that the petitioner had also issued a cheque which was dishonoured and that a case is pending trial and opposed to the grant of anticipatory bail for the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed that the alleged transaction took place in the year 2019; and that there was an earlier understanding between the parties and the petitioner had agreed to pay Rs.10 lakhs and issued a cheque for the same.

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

7. The alleged occurrences are said to have taken place in the year 2019. There is no allegation in the FIR that the money was paid to the petitioner. However, admittedly, the petitioner had issued a cheque for Rs.10 lakhs and a case is pending trial regarding the same. Since the petitioner and

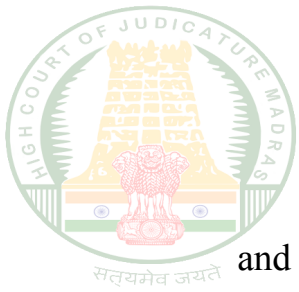


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others had not kept their promise this instant complaint has been filed in December 2023. It is also seen that A4 and another accused who had received money from the defacto complainant were arrested and released on bail.

8. Considering the nature of the allegations against the petitioner; the fact that the transactions took place in the year 2019; and the allegations are borne out by records, this Court is of the view that custodial interrogation is not required for the purpose of investigation and hence, inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Thiruperumputhur**, 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:



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[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 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.

03.03.2025

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SUNDER MOHAN, J.

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To
1.The Judicial Magistrate,
Thiruperumputhur.

2.The Inspector of Police
Manimangalam Police Station, Chennai.

3.The Public Prosecutor,
High Court of Madras.

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