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Crl.O.P.No.5166 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5166 of 2025

Mythrayan ... Petitioner/A3
Vs.

State, Rep. by Inspector of Police
Avadi CCB Police Station,
Avadi City, Chennai District.
(Crime No.12 of 2025) ... Respondent/complainant

Vijaya Gubendran Intervenor/Defacto complainant

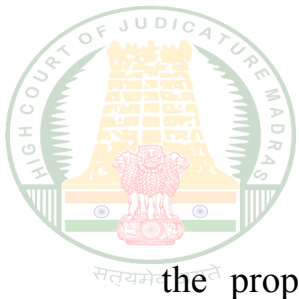
[Defacto complainant permitted to intervene Crl.O.P.No.5166 of 2025, vide order of this Court [SMJ] dated 05.03.2025, made in Crl.M.P.No.3993 of 2025]

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.12 of 2025, on the file of the respondent Police.

For Petitioner : Mr.S.Sasikumar
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)
For Intervenor : Mr.S.Silambu Selvan

ORDER

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 506(i) IPC in Crime No.12 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 sold the property on 13.07.2021 to A1 and A2, who are the parents of the petitioner/A3; that they had not paid any sale consideration to the defacto complainant and thus, committed cheating; and that the petitioner accompanied his parents at the time of execution of the sale deed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has nothing to do with the alleged offence; that A1 and A2 have been arrested and are still in custody; that no money was transferred to the petitioner and that the petitioner was aged 19 years at the time of occurrence; and that in any case, custodial interrogation is not required for the purpose of investigation and hence, prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant opposing the petition for anticipatory bail submitted that the defacto complainant is a cancer patient and the petitioner along with his parents, was involved in the offence and hence, no indulgence should be shown to the petitioner.

5. The learned Government Advocate (Cr1.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioner,



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reiterated the prosecution case and submitted that though the cheque was paid in favour of the defacto complainant, the amount was withdrawn by A1 and A2; that no money was paid to the defacto complainant and therefore, the defacto complainant was deprived of the sale consideration.

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

7. Considering the fact that A1 and A2 were arrested and are still in custody; and the allegations against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 No.I, Poonamallee**, 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 or Bank pass Book to ensure their identity.

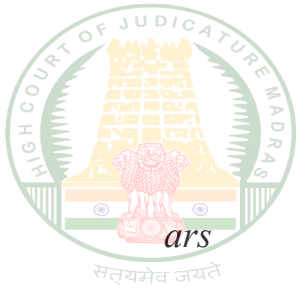
[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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.

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To
1.The Judicial Magistrate No.I,
Poonamallee.

2.The Inspector of Police,
Avadi CCB Police Station,
Avadi City, Chennai District.

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.5166 of 2025

05.03.2025