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Crl.OP.No.6926 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.6926 of 2025

Karthikeyan Selvakumar

... Petitioner /Accused

Vs.

State rep. by
Inspector of Police,
Pallikaranai Police Station,
Chennai District.
(Crime No.97/2025)

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of their arrest in FIR No.97 of 2025 pending on the file of the Sub-Inspector of Police, Pallikaranai Police Station pending investigation.

For petitioner : M/s.Ilayarani Ponraj

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

For Intervenor : Mr.B.B.Senthilkumar



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ORDER

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2. The case of the prosecution is that the petitioner entered into a lease agreement with the defacto complainant, who paid the lease amount of Rs.8,00,000/-; that thereafter, the defacto complainant came to know that the property was mortgaged to the Bank, which had initiated SARFAESI proceedings against the petitioner; and that pursuant to the proceedings before the Debt Recovery Tribunal, the defacto complainant was evicted on 24.01.2025.

3. The learned counsel for the petitioner would submit that the petitioner took the property on lease on 24.11.2023; that he had been in the property for nearly one year; and that the allegations only reveal a breach of contract and, in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.



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4. The learned counsel for the defacto complainant would submit that the petitioner was aware of the SARFAESI proceedings; that he had received a sum of Rs.8,00,000/- and cheated the defacto complainant; and that he has not returned the said amount even after the defacto complainant was evicted from the premises on 24.01.2025.

5. Heard the learned Government Advocate (Crl.Side), who reiterated the prosecution case.

6. Admittedly, there was a lease agreement between the petitioner and the defacto complainant, and the petitioner had received a sum of Rs.8,00,000/-. The allegation is that petitioner had not returned the lease amount even though the defacto complainant was evicted from the premises pursuant to the proceedings initiated by the Bank before the Debt Recovery Tribunal.

7. Considering the nature of allegations; the fact that the dispute pertains to the non-return of the lease amount, and since custodial



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interrogation is not required for the purpose of investigation, this Court 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate – II, Coimbatore.** 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



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either during investigation or trial.

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[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”* reported in **(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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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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SUNDER MOHAN, J.

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To

1. The Inspector of Police,
Pallikaranai Police Station,
Chennai District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Judicial Magistrate – II,
Coimbatore.

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