



Crl.OP.No.6056 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6056 of 2025

Kanagavalli

.. Petitioner/Accused 2

Vs.

The State rep by
The Inspector of Police,
T-6 Avadi Police Station,
Avadi City.
Crime No.25 of 2025

.. 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.25 of 2025 on the file of the respondent Police.

For Petitioner : Mr.M.Rajinikanth

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

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) & 506(i) of IPC in Crime No.25 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first accused had entered into a sale agreement for purchase of the property belonging to the first accused; that the defacto complainant had paid a sum of Rs.10,00,000/- to the first accused to settle the bank loan on the property and also handed over a cash of Rs.2,00,000/-; that after receipt of the amount, the first accused neither settled the property in favour of the defacto complainant nor returned the amount. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the allegations against the petitioner are false; that the petitioner is the wife of the first accused, there is sale agreement between the petitioner and the defacto complainant and allegations at best reveal that there is a breach of terms and that in any case, custodial interrogation of the petitioner is not required and he sought for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case, confirming that there is a written sale agreement entered into between the defacto complainant and the first accused on 09.01.2021 and first petitioner had received an advance amount of Rs.10,00,000/-.

5. Considering the nature of allegations against the petitioner, the fact that the petitioner is the wife of the first accused and the allegations reveal a that breach of contract, 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 on certain conditions.

6. 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 is made ready, before the **learned Judicial Magistrate No.2, Poonamallee** on condition that the petitioner shall execute a 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 appear before the respondent police everyday at 10.30 a.m., until further orders.

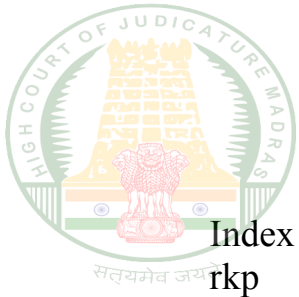
[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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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Index : Yes / No

rkp

To

1.The Inspector of Police,
T-6 Avadi Police Station,
Avadi City.

2.The Judicial Magistrate No.2, Poonamallee.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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