



Crl.OP.No.6285 & 6342 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.Nos.6285 & 6342 of 2025

Mujubur Rahman @ Mohubar Rahman

.. Petitioner/A2 in Crl.O.P. No.6285 of 2025

Ahamed Ansari

.. Petitioner/A1 in Crl.O.P. No.6342 of 2025

Vs.

The State rep by
The Inspector of Police,
CCB-II, Chennai CCB,
Chennai City,
Crime No.83 of 2024

.. Respondent in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.83 of 2024 on the file of the respondent Police.



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For Petitioner : Mr.Yogaraja Sekar
in Crl.O.P. No.6285 of 2025
Mr.S.Mukunth,
Senior Counsel for
Sam Jayaraj Houston for
Sarvabhauman Associates in
Crl.O.P. No.6342 of 2025

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)
Mr.A.Veerassamy for Intervenor
in both Crl.O.Ps.

COMMON ORDER

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 120B of IPC in Crime No.83 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant had entered into an agreement; that pursuant to the agreement, the defacto complainant had paid Rs.2,00,00,000/- initially and thereafter Rs.5,50,00,000/- and a sale deed was executed in favour of the defacto complainant in respect of a property; and that the petitioners thereafter, received further sums on the promise of constructing villas and on some pretext or the other and thus cheated the defacto complainant of a total sum of Rs.10,82,00,000/-.



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3. The learned counsel for the petitioners would submit that the allegations are false; that there are disputes between the petitioners and the defacto complainant which are pending; that the allegations against the petitioners that they had cheated the defacto complainant for a sum of Rs.10,82,00,000/- is false and that in any case, since the alleged transaction took place in the year 2014-2017, custodial interrogation of the petitioners is not required and prayed for anticipatory bail.

4. The learned counsel for the defacto complainant however, would submit that the petitioners had executed a sale deed by impersonation in the year 2014 and when the defacto complainant came to know about the same; the petitioners had promised to return the amount and had even agreed to pay a sum of Rs.4,75,00,000/- by letter dated 30.10.2018 but till date no payment has been made by the petitioners, hence custodial interrogation of the petitioners is required and sought for dismissal of the anticipatory bail.



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5. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the transaction took place in the year 2014-2017 and a sum of Rs.10,82,00,000/- is due and payable by the petitioners to the defacto complainant.

6. On perusal of the FIR, it is seen that the transaction between the defacto complainant and the petitioners took place in the year 2014. The defacto complainant had not taken any steps for recovery of money allegedly due to him by the petitioners. It is also seen that on 17.07.2023, the defacto complainant and his wife had gone to the house of the first petitioner and the petitioners had lodged a complaint before the Inspector of Police, B-1, Beach Police Station on 28.07.2023 against the defacto complainant. The instant complaint has been lodged, thereafter. The allegations in the FIR, at best reveal a breach of contract and a money dispute between the petitioners and the defacto complainant. Even according to the defacto complainant, the money to be paid became due in year 2017.



WEB COPY 7. Considering the aforesaid facts and since the allegations are borne out by records, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation and is inclined to grant anticipatory bail to the petitioners on certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.I, Alandur**, on condition that the petitioners 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 petitioners 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.



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[b] the petitioners shall appear before the respondent police twice a week i.e., every Monday and Friday at 10.30 a.m., until further orders.

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

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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
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To

- 1.The Inspector of Police,
CCB-II, Chennai CCB,
Chennai City,
- 2.The Judicial Magistrate No.I, Alandur.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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(2/2)

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