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Crl.O.P.No.9176 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9176 of 2025

S. Mohanraj

....Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Villupuram
(Crime No.3 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.3 of 2025 on the file of the respondent police.

For Petitioner : Mr. K. Rahul
For De facto complainant: Mr. R. Sreedhar

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 384, 468 and 471 of IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.3 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant is working as a Manager at NCR Corporation of India Pvt. Ltd. and that he obtained a loan from the petitioner and thereafter, the petitioner obtained the title deeds of the *de facto* complainant and executed a sale deed in his favour forcibly and thus committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations against the petitioner are false; that the *de facto* complainant agreed to sell his property and had entered into an agreement of sale on 05.05.2023 which was registered as Document No.3194/2023 on the file of the Sub Registrar, Vanur and thereafter, on 12.06.2023 a sale



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deed was executed by the *de facto* complainant in favour of the petitioner, which was registered as Document number 4085/2023 on the file of the Sub Registrar, Vanur; that the instant complaint was lodged as an after thought on 15.03.2025; and that custodial interrogation of the petitioner is not required and sought for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the *de facto* complainant would submit that the *de facto* complainant was forced to sign in the blank papers and that custodial interrogation of the petitioner is required and opposed to grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation is pending.

6. It is seen from the records that the petitioner and the *de facto* complainant had entered into a sale agreement on 12.06.2023 in respect of the disputed property and thereafter, a sale deed has also been executed and the instant complaint has been given on 15.03.2025. Considering the



aforesaid facts, and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Villupuram**, 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 report before the respondent police twice a week, until further orders.



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[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

27.03.2025

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To

1. The Judicial Magistrate No.I, Villupuram.
2. The Inspector of Police,
District Crime Branch,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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