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Crl.OP.No.10186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10186 of 2025

Thangam @ Munusamy ... Petitioner(s) /Accused

Vs.

State rep. by its
The Inspector of Police,
Central Crime Branch – I,
Chennai – 600 007.
Crime No.124 of 2024

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail pending investigation in CCB Crime No.124 of 2024, on the file of the respondent police.

For petitioner(s) : Mr.Veera Narayanan

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



Crl.OP.No.10186 of 2025

WEB COPY

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 120B of IPC, 1860, in Crime No.124 of 2024, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner, along with two other accused, claiming ownership over a property, had received an advance amount of Rs.1,48,92,147/- on 18.10.2022; and that they neither executed the sale deed nor returned the said advance amount.

3. The learned counsel for the petitioner would submit that, even as per the FIR, the defacto complainant was aware that the petitioner claimed title by adverse possession; that the first accused was granted bail by the Principal Sessions Judge, Chennai, on 07.04.2025; that the allegations would reveal a dispute which is civil nature; that in any case the allegations are borne out by records and hence, custodial interrogation of the petitioner is not required and prayed for anticipatory bail to the petitioner.

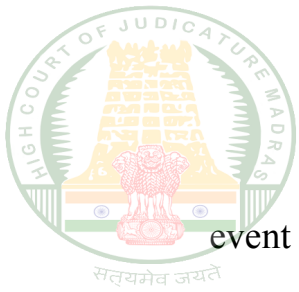


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4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, on instructions, submitted that the defacto complainant had paid a sum of Rs.1,48,92,147/- as an advance towards the purchase of the property; and that the petitioner had neither executed the sale deed nor repaid the said amount.

5. Admittedly, the first accused was released on bail by the Principal Sessions Judge, Chennai, on the ground that the dispute is purely civil in nature. The petitioner is arrayed as A2, the sister of A1. Considering the fact that the allegation disclose a civil dispute, and that the defacto complainant has not approached the competent civil court seeking appropriate remedy, and since the allegations are borne out by records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the



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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 Metropolitan Magistrate for the Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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



Crl.OP.No.10186 of 2025

WEB COPY

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 BNS.

15.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police,
Central Crime Branch – I,
Chennai – 600 007.
2. The Public Prosecutor,
Madras High Court, Chennai.
3. Metropolitan Magistrate for the
Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai.

Page No.5 of 7



WEB COPY



Crl.OP.No.10186 of 2025

SUNDER MOHAN, J.

skr

Crl.OP.No.10186 of 2025



WEB COPY



CrI.OP.No.10186 of 2025

15.04.2025