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Crl.OP.No.11452 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.11452 of 2025

1. S.Murugan

2. M.R.Rani ... Petitioner(s) /Accused 1 & 2

Vs.

The State rep. by
The Inspector of Police,
Kumaran Nagar Police Station,
Greater Chennai City. ... Respondent(s)/ Complainant
Crime No.60 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest concerned in Crime No.60 of 2025 pending on the file of the respondent police.

For petitioner(s) : Mr.Iyyapparaj

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



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For Intervenor : M/s.Sreetha Muthuraj

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(3) of BNS, 2023, in Crime No.60 of 2025 seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners are the landlords; that the defacto complainant had deposited a sum of Rs.11,50,000/- towards lease; that the petitioner had suppressed the fact that the property was under mortgage and that SARFAESI proceedings were pending against the petitioner and entered into a lease agreement; that though the lease period has ended, the petitioners are refusing to return the said amount; and that the creditor is threatening to take possession. Hence, the case.

3. The learned counsel for the petitioners would submit that the allegations are false; that the petitioners are facing severe financial constraints; that they had no intention to cheat; and that they are willing to pay a sum of Rs.5,00,000/- to the defacto complainant immediately and



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settle the remaining amount thereafter.

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4. The learned counsel for the defacto complainant, however, vehemently opposed the grant of anticipatory bail to the petitioners and submitted that the petitioners had cheated the defacto complainant by suppressing the fact that the property was under mortgage.

5. Heard learned Government Advocate (Crl.Side) who reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioners.

6. Considering the nature of the allegations, the fact that it is a dispute between the landlord and the tenant, and the voluntary submission made by the petitioners to pay a sum of Rs.5,00,000/- to the defacto complainant, and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. The petitioners shall pay a sum of Rs.5,00,000/- to the defacto



complainant within a period of four weeks from the date of receipt of a copy of this order.

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 made ready, before the learned **XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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 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.

[b] the petitioners shall report before the respondent police daily at 10:30 a.m.

[c] the petitioners shall not tamper with evidence or witness either



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during investigation or trial.

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[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”*** 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.

28.04.2025

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

1. The Inspector of Police, Kumaran Nagar Police Station,

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

3. Learned XXIII Metropolitan Magistrate, Saidapet, Chennai

SUNDER MOHAN, J.

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