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Crl.OP.No.12550 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.12550 of 2025

Rakeshkumar ... Petitioner(s) /Accused

Vs.

State rep. by the Inspector of Police,
District Crime Branch, Chengalpattu. ... Respondent(s)/ Complainant
Crime No.16 of 2024

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to pleased to enlarge the petitioner on bail in Crime No.16 of 2024 on the file of the respondent police.

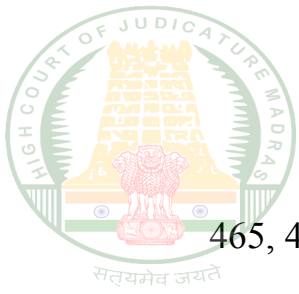
For petitioner(s) : Mr.J.Murali Krishna

For Respondent(s) : M/s.J.R.Archana
Government Advocate (Crl.Side)

For Intervenor : M/s.B.Yazhini

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 03.03.2025, seeking bail in Crime No.16 of 2024, registered for the offences under Sections 420,



465, 468 and 471 of IPC.

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2. It is the case of the prosecution that the petitioner originally owned 3,796 sq.ft. of land in Survey Nos.124/1, 126 and 127 situated at Chengalpattu Ward-3, Chengalpattu District; that he sold a portion of the property to the defacto complainant; that after the sale, the petitioner entered into a sale agreement with a third party in respect of 2,760 sq.ft. of land which included the already sold portion of the petitioner's land and thus, committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner had cancelled the said sale agreement by the Deed of Cancellation dated 20.03.2025, which was registered in the office of the Joint Sub-Registrar No-I, Chengalpattu, vide Document No.821 of 2025; and that, in any case, the dispute is purely civil in nature, and hence, further custody of the petitioner is not required and sought for grant of bail to the petitioner.



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4. The learned counsel for the defacto complainant, however, submitted that there are two other pending cases against the petitioner; and that further custody of the petitioner is required for the purpose of investigation.

5. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police, who reiterated the prosecution case.

6. Considering the aforesaid facts, the nature of allegation, the fact that the petitioner has cancelled the subsequent sale agreement, the period of incarceration, and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Chengalpattu**, and on further



conditions that:

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[a] 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, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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CrI.OP.No.12550 of 2025

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 B.N.S.

24.04.2025

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

To

1. Inspector of Police,
District Crime Branch,
Chengalpattu.
2. The Public Prosecutor,
Madras High Court,
Chennai.



Crl.OP.No.12550 of 2025

3. Learned Judicial Magistrate No.II, Chengalpattu.

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4. The Superintendent of Prison,
District Jail, Chengalpattu.

SUNDER MOHAN, J.

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Crl.OP.No.12550 of 2025



WEB COPY



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