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Crl.O.P.No.15476 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15476 of 2025

1. P.Kumar

2. Mahalakshmi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Tambaram Police Station,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.221 of 2025 on the file of respondent Police.

For Petitioners : Mr.S.Balasubramanian

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 318(4) of BNS, in Crime No.221 of 2025, on the file of the respondent Police, seek anticipatory bail.

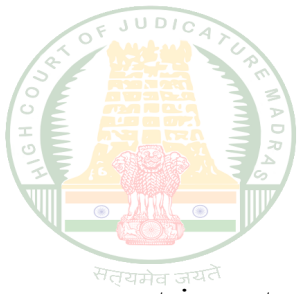


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2. The case of the prosecution is that the petitioners, who are arrayed as A1 and A2, were neighbours of the de facto complainant. They introduced themselves as being engaged in real estate business under the name of “Suraksha Builders”. Later, under the guise of selling a plot, they received a sum of Rs.38,00,000/- out of the total consideration of Rs.49,50,000/-, into their account and into the account of one Venkatesh/A3. However, after receiving the amount, failed to execute the sale deed. Subsequently, they repaid only a sum of Rs.8lakhs and thereafter, failed to repay the balance amount and cheated the de facto complainant. Hence the case.

3. The contention of the learned counsel for the petitioners is that the petitioners are innocent and have been falsely implicated in this case. He also submitted that the de facto complainant initially intended to purchase the property and paid a sum of Rs.19 lakh. Upon withdrawing his proposal, the petitioners have repaid the same. However, the de facto complainant has now filed a false complaint with an intention to extract money from the petitioners. He also submitted that the petitioners are no way connected with the third accused and further submitted that the de facto complainant has given a criminal colour to the civil dispute. He also submitted that the petitioners are ready to abide by any



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stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting anticipatory bail to the petitioners/A1 & A2.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and upon perusing the typed set filed by the petitioners, this Court finds that the relationship between the petitioners and the de facto complainant cannot be denied. Further, the bank statement reveals that the de facto complainant had transferred the amount to the accused through NEFT and that the vouchers substantiate the existence of financial transactions between the petitioners and the de facto complainant. In view of the above, it appears that the petitioners acted with a deceitful mind and had the intention to cheat the de facto complainant right from the inception. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petition stands dismissed.

23.07.2025

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M.NIRMAL KUMAR, J.

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To

1. The Inspector of Police,
Tambaram Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

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