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CrI.O.P.No.17272 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17272 of 2025

Sathish @ Satheesh

... Petitioner

Vs

The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.341/2023).

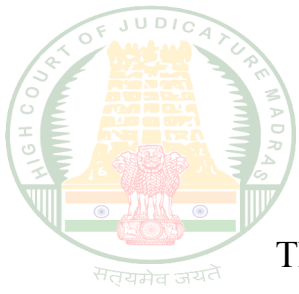
... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on
anticipatory bail in the event of his arrest in Crime No.341/2023 pending
investigation on the file of the respondent.

For Petitioner : Mr.N.Ranjith Kumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER



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The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120B, 406, 420 & 506(2) of IPC in Crime No.341 of 2023, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was having ancestral property of 4.07 acres in survey No.271/1 situated at Vellar Village, Mecheri, Mettur Salem District. Due to loss in construction business, the defacto complainant approached A1 for financial assistance and executed a sale deed in favour of A3 and received a sum of Rs.21.77 lakhs instead of Rs.1 Crore. A3 requested some more time to give the balance amount but failed to do so. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and no way connected with the offences alleged by prosecution. He further submits that the defacto complainant on his own had executed a sale deed in favour of A3 and even after he received the entire sale consideration, the defacto complainant approached A3 and demanded more money. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



WEB COPY4.Learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the case of the prosecution and submitted that in this case, there are totally 14 accused, of which the petitioner is A7, all the accused are known to each other. In this case, A1, A9, A11, A12 & A14 were arrested and released on bail. Hence, strongly opposed for anticipatory bail for the petitioner/A7.

5.It is seen that the defacto complainant entered into an agreement for a loan and availed a loan of Rs.21.77 lakhs initially and later, the defacto complainant requested return of property by repaying the loan. In the meanwhile, A1 created various sale agreement with other accused. A3 entered into a sale agreement with petitioner/A7 which got cancelled now. Finally, A1 executed the sale deed in favour of A13. In this case, A1, A9, A11, A12 and A14 were arrested and let out on bail. The sale agreement created in favour of the petitioner/A7 had been cancelled much before and it was innocuous agreement.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Mettur 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for interrogation by a



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Police officer as and when required;

WEB COPY [f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

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

[h] 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 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 [(2005)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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To

1.The Judicial Magistrate No.II,
Mettur.

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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