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CrI.O.P.No.18031 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.18031 of 2025

1.Indira @ Indira Rangasamy
2.Madhaiyan

... Petitioners / A1&A2

Vs.

The State By,
The Inspector of Police,
DCB Police Station,Salem
Crime No.08 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of CR.P.C, to grant an order of anticipatory bail in the event of their arrest and enlarge the petitioners on bail in connection with the Crime No.8 of 2025, on the file of the Respondent police.

For Petitioners : Mr.N.Srinivas Jeyaprakash
For Respondent : Mr.A.Gopinath,
Government Advocate (Criminal Side)
For Intervenor : Mr.AM.Ravindranath Jeyapal



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ORDER

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The petitioners herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 of IPC and 127(2) of BNS, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioner is that they received a sum of Rs.47 lakhs from the de-facto complainant, promising to sell the land belonging to A1, but after receiving the amount, they failed to execute the sale deed. Hence, a complaint was registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners had received only a sum of Rs.7 lakhs through bank transactions and had not received any other amount apart from that. He further submitted that the dispute, at best, is one of non-performance of contract and does not attract any criminal liability. It is also submitted that the petitioners have already refunded a substantial portion of the amount to the de-facto complainant, and during the enquiry conducted after service of summons, the petitioners handed over a further sum of Rs.1,72,000/- to the de-facto complainant. Hence, he prayed that anticipatory bail be granted to the petitioners.



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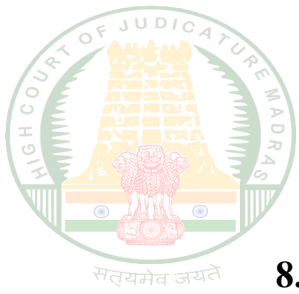
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4. The learned counsel for the intervenor submitted that nearly Rs.7 lakhs was transferred through bank accounts, while the remaining amount was paid to A1 and A2 in cash. He further contended that the petitioners have cheated the de-facto complainant and therefore opposed the grant of anticipatory bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that there are two accused in this case, and they had collected a total sum of Rs.47 lakhs from the de-facto complainant. He further submitted that the petitioners are involved in two previous cases. Hence, he opposed the grant of anticipatory bail to the petitioners.

6. Heard the learned counsels on either side and perused the materials available on record.

7. Considering the nature of the allegations and the fact that the transaction appears to be a civil nature arising out of a contract between the parties, I am of the considered view that custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



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8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.6, Salem**, on condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two **sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

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

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled



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to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14.10.2025

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To

1.The Judicial Magistrate No.6, Salem.

2.The Inspector of Police,
DCB Police Station,Salem

3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.,

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