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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.11.2025**

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.20408 of 2025

S.Udhayakumar

... Petitioner

Versus

The State rep by its,
The Inspector of Police,
T-14, Mangadu Police Station,
Avadi District.
(Crime No.337 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioner on bail in the event of his arrest in Crime No.337 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Ramesh for
Mr.R.Ashwanth

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side)

For Intervener : Mr.Manoj Sreevalsan

ORDER

The petitioner, who apprehends arrest by the respondent police for the offence punishable under Sections 406, 420, 294(b), 506(i) of IPC, in Crime No.337 of 2025 seeks anticipatory bail.



2.The case of the prosecution is that the defacto complainant had paid a sum of Rs.32 lakhs to the petitioner in several instalments for the purchase of a property at Chennai. Subsequently, a sale agreement was entered into between the petitioner and the defacto complainant on 26.03.2015. Thereafter, the defacto complainant requested the petitioner on several occasions to execute the sale deed in his favour. However, the petitioner neither returned the amount nor executed the sale deed. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner entered into a sale agreement with one Kamsala @ Jothilakshmi on 09.05.2014 for a total consideration of Rs,63,00,000/-, out of which, Rs.20,00,000/- was paid as advance. Since the said Jothilakshmi failed to execute the sale deed and attempted to alienate the property, the petitioner filed a civil suit in O.S.No.71 of 2016 before the District Munsif Court, Sriperumbudur, seeking permanent injunction. In the meantime, the defacto complainant lodged a false complaint against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervener submitted that the defacto complainant had received a sum of Rs.5,00,000/- from the petitioner, but the petitioner failed to execute the sale deed. He further submitted that no



compromise was entered into between the parties as stated by the petitioner and that the defacto complainant is the owner of the property. Hence, he opposed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the FIR was registered recently and the investigation is still pending. He further submitted that no one has been arrested in this case. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. On perusal of the records, it is seen that the agreement was entered into between the petitioner and the defacto complainant on 26.03.2015, and the complaint has been lodged after several years by the defacto complainant. Since the custodial interrogation of the petitioner is not required for the purpose of interrogation, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned*



Judicial Magistrate, Sriperumbudur, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(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., for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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 laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can



be registered under Section 269 of B.N.S.

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To

- 1.The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
T-14, Mangadu Police Station,
Avadi District.
- 3.The Public Prosecutor,
High Court, Madras.

K.RAJASEKAR, J.

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