



WEB COPY

Crl.OP.No. 21666 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-09-2025

CORAM

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

Crl.O.P.No.21666 of 2025

A.Ashokan

... Petitioner/A1

Vs.

State Rep by
The Inspector of Police,
The Inspector of Police,
Athur Rural Police Station
Salem District.
Cr.No. 281 of 2025.

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest of their arrest by the respondent police in Crime No. 281 of
2025 on the file of the respondent police.

For Petitioner : Mr.K.Venkataramani, Senior Advocate
For Mr.T.R.Ravi

For Intervenor : Mr.C.Prabakaran

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)



WEB COPY

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(B), 316(2), 318(4) and 352 (2) of BNS, Act, in Crime No. 281 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 wants to sell his property for a valid sale consideration of Rs.1,66,77,000/- comprised in Survey No. 371 of 12B measuring to an extent of 22 ½ cents to the de-facto complainant and subsequently, an agreement was also entered into between the parties. Pursuant to the same, the de-facto complainant paid an advance for a sum of Rs.43,00,000/- to the petitioner by way of Demand Drafts and two blank cheque duly signed by the petitioner and also signed blank stamp papers towards guarantee for receipt of the advance payment made by the de-facto complainant. Now, the petitioner has not come forward to execute the sale deed in favour of the de-facto complainant. Hence the complaint.

3. The learned senior counsel appearing on behalf of the petitioner



WEB COPY



herein reported that during the pendency of this petition, both parties had entered into between the parties and they have come forward to settle the issue amicably between themselves. He further submits that the petitioner herein paid a sum of Rs.43,00,000/- along with interest has been arrived at Rs.3,44,000/- and the same has also been handed over to the de-facto complainant by way of Demand Draft. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that the de-facto complainant had received the entire amount Rs.46,44,000/- paid by him. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5. Mr.C.Prabakaran, learned Counsel for the Intervener/De-facto complainant, on instructions, would submit that the de-facto complainant had received a sum of Rs.43,00,000/- along with interest of Rs.3,44,000/- totalling Rs.46,44,000/- by way of Demand Draft.



WEB COPY

Crl.OP.No. 21666 of 2022



6. Considering the fact that during the pendency of this petition, both parties had entered into amicable settlement between the parties and the disputed amount had received by the de-facto complainant from the petitioner and the submission made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned **Judicial Magistrate No.I, Athur, Salem District** 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 learned Magistrate concerned and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate, within a period of fifteen 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



WEB COPY



Crl.OP.No. 21666 of 2025

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 petitioner shall report before the respondent Police as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

25.09.2025

MSM
To

1.The Judicial Magistrate No.I, Athur, Salem District.

5/6



Crl.OP.No. 21666 of 2025

2. The Inspector of Police,
Athur Rural Police Station
Salem District.
Cr.No. 281 of 2025.

3. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.OP.No. 21666 of 2025

K.RAJASEKAR, J.

MSM

Crl.O.P.No. 21666 of 2025

25.09.2025