



WEB COPY



Crl.O.P.No.23384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23384 of 2025

Mahalingam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R3-Ashok Nagar Police Station
Chennai District.

Crime No.not known of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No. not known of 2025 on the file R3-Ashok Nagar Police Station, Chennai District.

For Petitioner : M/s.K.B.Vivekanandhan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 316(2), 318(4) of BNS (Sections 406 ad 420 of IPC), in Crime No. not known of 2025, on the file of the respondent Police, seeks anticipatory bail.



CrI.O.P.No.23384 of 2025

WEB COPY

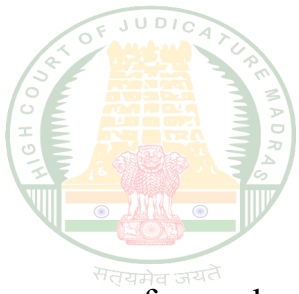
2.The case of the prosecution is that the petitioner intends to purchase the property of the defacto complainant for a sale consideration of Rs.1,50,00,000/-. It is alleged that petitioner initially paid token advance and a sale deed was executed in his favour thereafter, he failed to pay the balance sale consideration thereby, cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He submits that he has not committed any offence as alleged by the prosecution. He also submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record

6.The petitioner herein apprehends arrest for the offences under Section 316(2), 318(4) of BNS (Sections 406 ad 420 of IPC). The defacto complainant by name Veerakannu has alleged that his property was sold to the petitioner herein



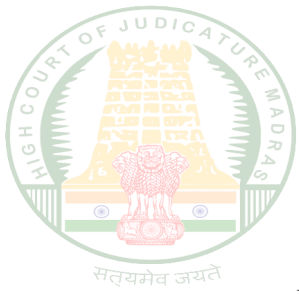
Crl.O.P.No.23384 of 2025

for a sale consideration of Rs. 1,50,00,000/- and token advance was received from the petitioner, on the promise that the balance sale consideration will be paid after obtaining loan from the bank. It is alleged that the balance sale concentration is not paid, hence a complaint for cheating. On reading of FIR, this Court finds that it is prime facie a civil dispute regarding the sale of a property. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 10 (ten) days from the date of receipt of a copy of this order, before the learned **XVII Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 10 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



Crl.O.P.No.23384 of 2025

WEB COPY

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 petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

25.08.2025

nr



CrI.O.P.No.23384 of 2025

WEB COPY

To

- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai,
2. TheInspector of Police,
R3-Ashok Nagar Police Station
Chennai District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.23384 of 2025

Dr.G.JAYACHANDRAN, J.

nr

Crl.O.P.No.23384 of 2025

25.08.2025