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CRL OP No. 30012 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

**CRL OP No. 30012 of 2024
and Crl MP No.7811 of 2025**

1. VENKATESAN
2. DINAKARAN
3. RAMESH

Petitioner(s)

Vs

The State Rep By
The Inspector of Police, K.V.Kuppam
Police Station, Vellore District, (Crime
No 273 of 2024).

Respondent(s)

PRAYER The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 273 of 2024 on the file of the respondent police and thus render justice.

For Petitioner(s): Mr.K.Sathish Kumar

For Intervenor: Mr.T.Saravanan

For Respondent(s): Mr.S.Udaya Kumar

Government Advocate (Crl. Side)

**ORDER**

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The petitioners, who apprehend arrest for the alleged offence under Sections 316(2) & 318(4) of BNS Act, 2023, in Cr.No.273 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioners is that the 1st and 2nd petitioners are the power agents of the defacto complainant and the 3rd petitioner who has purchased the property from the power agents for a sum of Rs.3.10 Crores and the power agents have failed to pay the sale consideration to the defacto complainant/Principal.

3.The learned counsel for the petitioners submitted that earlier this case was referred to mediation and during the mediation, there was an arrangement between the parties and as per the arrangement, it was agreed that Rs.1.90 Crores to be paid to the defacto complainant and subsequently, there was a dispute regarding the ownership of the property based on the survey conducted by the Tahsildar. Hence, they were not in a position to pay the money.



However, the case was once again directed to be listed for hearing on merits.

Hence, the matter is listed before this Court for merits.

4.The learned counsel further submitted that though in the sale deed, it has been recorded that Rs.3.10 Crores as a sale consideration, only Rs.1.90 Crores have been received by the power agents and the remaining has to be paid after the land is surveyed and possession was handed over. Therefore, the power agents were not in a position to hand over the remaining money to the defacto complainant and he further submitted that already Rs.1.90 Crores have been paid to the defacto complainant. Similar stand was also taken by the 3rd petitioner who is the purchaser that since the property has not been properly surveyed, he was not able to pay the remaining sale consideration. Further, it is stated that in the case of this nature, custodial interrogation is not necessary, hence the learned counsel prays to grant the anticipatory bail to the petitioners.

5.The learned counsel for the Intervenor submitted that the 1st and 2nd petitioners at the time of getting Power of Attorney, they paid only Rs.95 lakhs and later without the defacto complainant's knowledge, they sold the land to the



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3rd petitioner for a sum of Rs.3.10 Crores and thereby, the defacto complainant has been cheated by the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

6.The learned Government Advocate (Crl.side) for the respondent/police reported that there are totally nine accused involved in this case and the petitioners are ranked as A1 to A3. A1 and A2 are the power agents and A3 is the purchaser of the property and the other accused have dealt with the property and hence the complaint has been registered and as the investigation is pending, he opposed for grant of anticipatory bail to the petitioners.

7. I have considered the submissions made on both sides and perused the materials available on records.

7. It is the clear case of the defacto complainant/Principal that the Power Agents, viz., petitioners 1 and 2 had sold away his property to the 3rd petitioner, but sale consideration has not been paid to him and they are liable to pay the



amount and the petitioners failed to furnish the accounts as and when they collected money. In this case, huge amount is involved and all the allegations are based on documents and further, the main purpose of lodging the complaint is to recover the amount from the petitioners. However, it is stated that since there is a dispute regarding survey of the property and it is pending, balance consideration is yet to be paid by the 3rd petitioner. Therefore, considering the facts of the case, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Katpadi, Vellore District** on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each 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, failing which, the petition for



anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[d] the petitioners shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen



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days, he shall comply to the directions as may be given by the Court in this regard;

[g] 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)13 SCC 283];

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

30-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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- 1.The State Rep By
The Inspector of Police, K.V.Kuppam
Police Station, Vellore District, (Crime
No 273 of 2024).
- 2.The Judicial Magistrate Katpadi,
Vellore District.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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