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CrI.OP.No. 31693 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 31693 of 2025

V.Baskaran

Petitioner/A2

Vs

The State rep. by

The Inspector of Police

District Crime Branch

Erode, Erode District

Crime No. 14 of 2024.

...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 his arrest pending investigation in Crime No. 14 of 2024 on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

For Intervener : Mr.I.Inian

For Respondent : Ms.J.R.Archana,
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 468, and 506(i) of IPC in Crime No. 14 of 2024 on the file of the respondent Police, seeks anticipatory bail.



2. The allegation against the petitioner is that the petitioner, who is ranked as A2, joined hands with A1 and A3, came forward to transfer the firm's assets in favour of the de-facto complainant after collecting a sum of Rs.1.81 Crore. The petitioners agreed for documentation and to complete the process, the de-facto complainant has paid a sum of Rs.18.39 lakh in favour of A2. Since the petitioners have not come forward to honour the same, a complaint was lodged by the de-facto complainant. Thereafter, it came to light that some more agreements had been entered by petitioners with various persons in the year 2017 and there was an encumbrance over the property. Hence present complainant. It is alleged that the petitioners have sold the lands after receiving payment, and it is further alleged that the petitioners have failed to come forward to transfer the shares and assets of the firm in favour of the de-facto complainant. Hence the case.

3. The learned Counsel for the petitioner submits that admittedly there was an agreement to transfer the properties of the firm in favour of the de-facto complainant by collecting money. Though it is stated in the complaint, the petitioner and other accused collected a sum of Rs.1.81 Crore, A1 has come forward to transfer his shares in favour of the de-facto complainant and A3 has not come forward to execute the necessary documents to transfer



the properties of the firm in favour of the de-facto complainant, it is a case of violation of the agreement and there is no criminality involved in this case. He further submits that the petitioner is ready to abide any condition imposed by this Court and he prays for grant of anticipatory bail to the petitioner.

4.The learned Counsel for the Intervener/De-facto complainant submits that after collecting huge amount of Rs.1.81 Crore from the de-facto complainant, the petitioners have colluded and misappropriated the funds and also involved in creation of various encumbrances over the firm's properties so as to avoid the transfer of property in favour of the de-facto complainant and he opposed for grant of anticipatory bail to the petitioner herein.

5.The learned Government Advocate (Criminal Side) appearing for the respondent, reiterated the prosecution case and submits that the investigation is pending. He opposed for grant of anticipatory bail to the petitioner.



6.Considering the submissions made on both sides and on perusal of records, it reveals that as early as in the year 2017 itself, there was an agreement entered into between the parties stated in the FIR that the de-facto complainant after conclusion of all the negotiations, has to pay a sum of Rs.18.31 lakhs, and after payment, the documentation and other formalities would be completed. However, there was a delay on the part of the petitioners, and they also attempted to create various encumbrances. An earlier complaint was lodged, and subsequently, an enquiry was made, and it came to light that there were some some more encumbrances over the properties. Since all these transactions have taken place between the parties are borne out of records, I am of the view that custodial interrogation of the petitioner is not necessary and I am inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is 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 No.II, Erode**, 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 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 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 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]**;



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

04.12.2025

MSM

To

1. The Judicial Magistrate No.II, Erode.
- 2.The Inspector of Police
District Crime Branch
Erode, Erode District
Crime No. 14 of 2024.
3. The Public Prosecutor, High Court of Madras.



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K.RAJASEKAR, J.

MSM

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