



CRL OP(MD). No.1773 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1773 of 2025

1. C.M. Salmaan Fahad,

2. Amina Sahana,

3. C.S.Mohamed Ali,

4. Jahira Begum,

... Petitioners/ Accused Nos.1 to 4

Vs

The State of Tamilnadu,
Represented by the Inspector of Police,
Central Crime Branch Police Station,
Madurai, Madurai City.
Crime No. 56/2024.

... Respondent/Complainant

Thiyagarajan

... Petitioner/Intervener
in CRL MP(MD)No.1370 of 2025
in CRL OP(MD)No.1773 of 2025

For Petitioners : Mr.Niranjan S. Kumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervener : Mr.R.Suriya Narayanan



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory bail in Crime No.56/2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 28.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offence punishable under Sections 420 and 120B of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.56 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that the first petitioner and the defacto complainant were friends. The first petitioner's family members, i.e., the other accused persons, are well-known to the defacto complainant. The first petitioner, who is a textile owner, informed the defacto complainant that due to a financial crisis, he intended to sell several housing plots owned by him near Thirupalai. The defacto complainant agreed to purchase these plots for a sum of Rs. 6,00,00,000/- and paid an



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advance of Rs. 1,50,00,000/- in various installments since 27.03.2018. The first petitioner also executed an unregistered Sale Agreement on 08.04.2019. Due to the outbreak of Covid-19, the registration could not be completed. The defacto complainant repeatedly requested the first petitioner to execute the sale deed on receiving the remaining sale consideration. However, whenever the defacto complainant asked the accused persons to execute the sale deed, they kept assuring him that it would be done in the coming months, with an intention to cheat the defacto complainant.

4. On suspecting the accused persons, the defacto complainant verified with the Encumbrance Certificate (EC). At that time, he came to know that the properties, which were agreed to be sold to the defacto complainant, had already been sold to one Saravanan. On questioning the accused persons, they claimed that the first petitioner had also borrowed money from other persons, and as those creditors had threatened to kill the first petitioner, the sale was executed in favour of Saravanan. The accused persons further stated that they had a share in the ancestral properties, which had not been partitioned, and that on partitioning, they would execute the sale deed for the said land. They requested the defacto complainant not to lodge a complaint.



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5. Believing their words, the defacto complainant refrained from lodging any complaint. Later, the defacto complainant came to know that the ancestral properties had already been partitioned, and the first petitioner's share had been settled in favour of the first petitioner's brother. As a result, the defacto complainant requested the accused persons to return the advance amount. However, the accused persons did not return the amount and instead threatened him with dire consequences. The allegations against the petitioners are that they neither executed the sale deed nor refunded the advance amount. Hence the case.

6. Mr.Niranjan S.Kumar, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He however submits that they are ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioners.

7. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent Police submits that there is a civil dispute between the petitioners and the defacto complainant. Considering the amount involved, he prays for dismissal of this petition.



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8. Mr.R.Suriya Narayanan, learned counsel appearing for the intervener, submits that the petitioners herein had promised the defacto complainant that they will execute a sale deed in favour of him. On believing their words, the defacto complainant paid a sum of Rs.1,50,00,000/- to the petitioners herein. However, they neither executed the sale deed nor repaid the amount. The petitioners sold the subject property to a third party with an intention to cheat the defacto complainant. Since a huge amount is involved in this case, he vehemently opposes the grant of pre-arrest bail to the petitioners.

9. Heard on both sides. This Court has perused the records.

10. The petitioners have permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the above and considering the facts and circumstances of the case and taking note of the fact that there is a civil dispute between the petitioners and the defacto complainant and with a view to give an opportunity to the petitioners to reform themselves in the society, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the



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event of their surrender before the learned Judicial Magistrate No.I, Madurai, within a period of fifteen days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the learned Judicial Magistrate No.I, Madurai;

(ii) Thereafter, the first petitioner shall appear and sign before the respondent-Police weekly once (i.e., on Monday) at 10.00 a.m., until further orders.

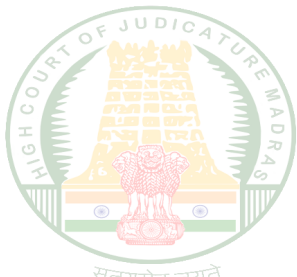
(iii) The Petitioner Nos.2 to 4 shall appear before the respondent-Police as and when required for interrogation;

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Madurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(v) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;

(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate No.I, Madurai or Trial Court as the case may be, is entitled to pass
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appropriate orders against the petitioners in accordance with law as if the
aforementioned conditions are imposed by him as laid down by the Hon-ble
Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

11. Accordingly, this Criminal Original Petition is allowed subject to the
conditions stated *supra*.

sd/-
13/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH POLICE STATION, MADURAI,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-1684[I] dated 14/02/2025)

ORDER

IN

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Date :13/02/2025

SS/SKN/SAR- /20/02/2025/ 8P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023