



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2112 of 2025

1.D.Revathi

2.R.Dhanasekaran

... Petitioners/ A1 & A2

Vs.

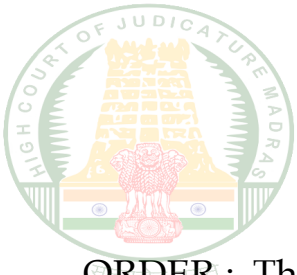
The State of Tamil Nadu,
rep by the Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.246 of 2024

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to release the petitioners on pre-
arrest bail in the event of their arrest in connection with Crime No.246 of 2024
pending on the file of the respondent-police.

For Petitioners : Mr.J.Krishnakumar
Advocate

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



ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 30.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 406, 417, 420 and 506(i) of IPC, 1860, in Crime No.246 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant paid a sum of Rs.10,000/- to the accused persons as an advance for the purchase of property in Plot No.142, Manikandan Nagar, Nelliyyenthal Village. Upon verification of the documents for the said land while taking a loan, it was revealed that there was an encumbrance on the property. When the defacto complainant inquired about this, the accused persons agreed to sell another plot, Plot No.90, for a sale consideration of Rs.12,50,000/-, after deducting the Rs.10,000/- already received as advance. The accused persons also received a sum of Rs.11,87,500/- from the defacto complainant in cash for the road lying on both sides of the land. Thereafter, on 31.03.2023, by taking loan, the defacto complainant paid a sum of Rs.8,00,000/- by way of Demand Draft (D.D.) to the accused persons. After arranging the remaining amount of Rs.4,40,000/-, on 03.04.2023, the defacto complainant called the accused persons by



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phone to arrange for the registration of the said property in his favor. They stated that the property had already been proposed to be sold to another party and that if he paid an additional Rs.2,00,000/-, i.e., Rs.6,40,000/- [Rs.4,40,000/- + Rs.2,00,000/-], they would execute the sale deed in his favor. On 04.04.2023, the defacto complainant met the accused persons and asked for the registration of the property. However, they threatened him with dire consequences. Hence the case.

4. Mr.J.Krishnakumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution. He however submits that the petitioners have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police submits that the petitioners cheated the defacto complainant and while asking the same, they also threatened him. He further submits that if pre-arrest bail is granted to the petitioner, they will cause threat to the defacto complainant. Hence, he strongly opposes to grant pre-arrest bail to the petitioners.

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



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7. The petitioners and the defacto complainant had entered into sale agreement dated 14.11.2022 in respect of the subject property. According to the defacto complainant, the sale price was fixed at Rs.12,50,000/- and the defacto complainant paid a sum of Rs.10,001/- as advance, and Rs.8,00,000/-, and the defacto complainant also paid a sum of Rs.11,87,500/- for the road lying on both sides of the land. Thereafter, some dispute arose between the petitioners and the defacto complainant. It is noticed that there is no endorsement made in this regard in the agreement. The learned counsel for petitioners denied the receipt of the aforesaid amount. In view of the circumstances, this Court of the opinion that the dispute between the petitioners and the defacto complainant is purely a civil dispute and therefore, custodial interrogation of the petitioner may not be necessary in this case. Further, the petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Melur, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each along



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with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate, Melur.

(ii) 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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent police, daily at 10.00 am., until further orders.

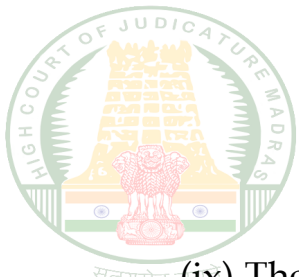
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.



(ix) The petitioners shall not enter into the residence of the defacto complainant or his work place.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass 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].

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

sd/-
06/03/2025

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/03/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk
TO

- 1 THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,



MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+2 CC to M/s.J.KRISHNAKUMR, Advocate (SR-2535[I] dated 07/03/2025)

ORDER

IN

CRL OP(MD) No.2112 of 2025

Date :06/03/2025

NBF/GSV / SAR/ (21/03/2025) 7P/7C

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