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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3354 of 2025

1.S.Karthikeyan
2.K.Axeiliya

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
District Crime Branch,
Trichy District.
Crime No.67 of 2024

... Respondent/Complainant

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.67 of 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 19.02.2025 under Section 482 of 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 420 and 406 of Indian Penal Code, 1860 in Crime No.67 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 01.03.2024, the defacto complainant and the petitioners entered into an unregistered sale agreement, pursuant to which, the defacto complainant paid a substantial amount towards the purchase of the petitioners' house and property, and the petitioners on the pretense of handing over the possession of the house within a period of three months, received additional payments from the defacto complainant. Subsequently, the petitioners refused to register the property in the name of the defacto complainant. Hence, the case.

4. Mr.S.Sathish, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the dispute between the petitioners and the defacto complainant is civil in nature. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, fairly concedes that the dispute between the parties is civil in nature.

6. Heard on both sides. This Court has perused the records including the First Information Report.



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7. The petitioners and the defacto complainant entered into an unregistered sale agreement on 01.03.2024. According to the defacto complainant, though he paid a sum of Rs.59,50,000/- to the petitioners, they failed to register the property in his name. In view of the facts and circumstances, this Court is of the view that the dispute between the parties is civil in nature. However, the respondent-Police registered a case against the petitioner for the offences punishable under Sections 420 and 406 of Indian Penal Code, 1860 in Crime No.67 of 2024. Hence, the petitioner has reasonable apprehension of arrest at the hands of the respondent-Police. Therefore, this Court is of the view that this is a fit case for grant of pre-arrest bail. Accordingly, 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 event of their surrender before the learned Judicial Magistrate No.I, Trichy, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Trichy;

(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;

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

(iv) 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;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the learned Judicial Magistrate No.I, Trichy weekly once i.e., on every Monday at 10.30 a.m. until further orders;

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

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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/-
20.03.2025

// True Copy //

/04/2025
Sub Assistant Registrar
(CS - I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai.

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TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3354 of 2025
Date :20/03/2025

RS (16/04/2025) 5P/ 5C

Madurai Bench of Madras High Court is issuing
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