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Crl.OP.No.669 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.669 of 2026

1. G.Moses
2. M.Stella

... Petitioners

Vs.

State rep by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore City.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to grant anticipatory bail to the petitioners in the
event of arrest by the respondent police in Cr.No.525 of 2025.

For Petitioners : Mr.Agilesh Kumar
for Aswin Prasanna
For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under
Sections 296(b), 406, 420, 506(1) IPC in Crime No525 of 2025, on the file
of the respondent police seek anticipatory bail.



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2. The case of the prosecution is that the petitioners herein had agreed to sell the land belonging to them for a total sale consideration of Rs.60,00,000/- to the defacto complainant and had also received a sum of Rs.40,00,000/- as advance sale consideration. Subsequently, they failed to come forward to execute the sale deed. Hence, the complaint has been lodged against the petitioners, pursuant to which the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that a loan agreement dated 20.07.2024 was entered into between the petitioners and the defacto complainant, wherein it was specifically agreed that a case is pending before the Debts Recovery Tribunal, Coimbatore, relating to the auction of the property, and that once the said case is disposed of, the petitioners would transfer the property to the defacto complainant. It was further agreed in the said agreement that the petitioners shall pay 1.5% interest on the advance amount alleged to have been received by them. He further submitted that, in furtherance of the loan agreement dated 20.07.2024, a sum of Rs.2,50,000/- was deposited to the defacto complainant on 06.06.2024. He also submitted that the entire transactions are supported by documents and that it is purely a case of breach of a sale



agreement entered into between the parties. Hence, instead of initiating appropriate proceedings before the Civil Forum, the defacto complainant has lodged the present criminal case. He further submitted that the petitioners are ready to cooperate with the investigation and are also willing to abide by any stringent conditions that may be imposed by this Court. Therefore, he prayed that anticipatory bail be granted to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation is pending. He also submitted that there are no previous cases against the petitioners. However, he opposed the grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of the allegations, the fact that it is only a case of breach of a sale agreement entered into between the parties, and that the entire transactions are borne out of records, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate-VI, Coimbatore** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

(c) **The petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;**



(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

21.01.2026

Vv

To

1. The Judicial Magistrate-VI, Coimbatore
2. The Inspector of Police,
Vadavalli Police Station,
Coimbatore City.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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