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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30612 of 2026

CNR: {HCMA012539362026}

1. Munuswamy
   S/o Kuppusamy
   No.53, Bajanai Koil Street,
   Puzhuthivakkam Ullagarara, Madipakkam,
   Chennai -600091
2. Santhi Munuswamy
   W/o. Munuswamy,
   No.53, Bajanai Koil Street,
   Puzhuthivakkam Ullagarara, Madipakkam,
   Chennai

..Petitioner(s)

Vs

The State rep by The Inspector of Police
S-7 Madipakkam Police Station,
Chennai
Crime No.536 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the accused/Petitioners on bail in the event of their arrest pending investigation in S-7 Madipakkam PS Cr.No.536 of 2026 on the file of the respondent police and thus render Justice.

For Petitioner(s): Mr.Bijay Sundar for S Sathish Kumar
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)
For intervener: Mr.N.Senthil Kumar

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The petitioners, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Sections 318(4) of BNS in Crime No.536 of 2026, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that this matter arises out of a dispute over an agreement to sell land. The de facto complainant is a builder. As per the agreement dated 21.06.2022, it was agreed to purchase a parcel of land measuring 2,793.5 square feet from A2 (Santhi) for a total consideration of Rs. 1.5 Crores, against which a sum of Rs. 40 Lakhs was paid as an advance, with the balance to be paid within six months. It is further alleged that A1 (Munusamy) agreed to sell the adjoining land belonging to his son-in-law, A3, for a sum of Rs. 90 Lakhs, against an advance payment of Rs. 10 Lakhs. A further sum of Rs. 4 Lakhs was allegedly paid for obtaining the patta, following which the complainant was put in possession of the property. It is now alleged that the vendors are demanding three times the agreed price, threatening to alienate the property to third parties, and intending to forfeit the advance amount. It is further stated that they removed the complainant's name board and threatened him. On the strength of this complaint, an FIR was registered, and A3 was arrested on 14.10.2026. The present petitioners have been arrayed as A1 and A2. Hence, the complaint.

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3. The learned counsel for the petitioners submitted that the de facto complainant had failed to pay the balance sale consideration within the stipulated period, and therefore, the dispute is purely civil in nature, concerning the non-performance of a sale agreement, for which the remedy lies before a competent civil court. He further submitted that the sale agreement has already lapsed. It is also submitted that the petitioners offered to refund the advance amount of Rs. 40 Lakhs received from the complainant, but the complainant refused to accept the same. He added that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court, and hence, prayed for the grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution's case and submitted that the investigation is still pending. He, therefore, strongly opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Admittedly, the dispute arises out of a contractual transaction involving a sale agreement. It is also admitted that a sum of Rs. 40 Lakhs was paid by the

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de facto complainant as an advance to the petitioners/A1 and A2, and the petitioners have expressed their readiness and willingness to refund the said amount. Furthermore, it is admitted that since the year 2022, no development work has been carried out on the subject property, except for the mere erection of a name board.

7. Considering the nature of the dispute, which primarily stems from a sale agreement, and taking note of the fact that the petitioners are willing to refund the advance amount of Rs. 40 Lakhs received from the de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

8. 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 is made ready, before the **learned Judicial Magistrate-II, Alandur,** on condition that **the petitioners shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only),** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of

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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 was 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

30-10-2026

MPA

To
1. The Judicial Magistrate-II, Alandur.

2.The Inspector of Police
S-7 Madipakkam Police Station,
Chennai
Crime No.536 of 2026.

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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