



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14538 of 2026

1. M/s.Theertha Construction
Rep.by its Proprietor
Priyashni A.K, F/A 34 yrs
Having Residence at No.20 and 21,
No.3A, 3rd Floor,
Sai Sudhar Apartment,
Sridevikuppam main road,
Valasaravakkam,
Chennai-600 087.
2. Arun Kumar
S/o.M.R.Udhayakumar,
Having Residence at No.20 and 21,
No.3A, 3rd Floor,
Sai Sudhar Apartment,
Sridevikuppam main road,
Valasaravakkam,
Chennai-600 087.
3. Priyadharshini @ Priyashni

..Petitioner(s)

Vs

State represented by:

The Inspector of Police,
Central Crime Branch-I,
Vepery, Chennai-600 007.
[Cr.No.42/2025]

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant anticipatory bail in the event of arrest by the respondent police in Cr.No.42 / 2025 pending investigation before the respondent.



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For Petitioner(s)

M/S. VISHNU P

For Intervenor:

Mr. R.S. Kirubakaran

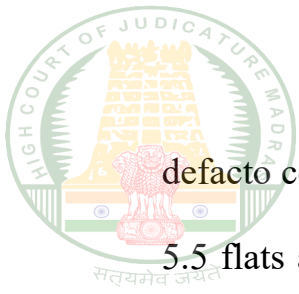
For Respondent(s):

Mr. N. Palanivel,
Government Advocate (Criminal side)**ORDER**

The petitioners, who apprehend arrest for the alleged offences under Sections 406 r/w 34 of IPC. in Crime No.42 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The *case of the prosecution* is that the 1st petitioner company represented by the 3rd petitioner and the 2nd petitioner, the husband of the 3rd petitioner, have induced the defacto complainant to enter into a Joint Venture Agreement in respect of his property for a total extent of 5400 sq. ft. located at Baba Nagar, Villivakkam and obtained a Power of Attorney on the promise of paying his share of consideration to the tune of Rs.4.9 crores. The accused persons sold 11 flats constructed in the defacto complainant's property and dishonestly misappropriated the sale proceeds, thereby cheated the defacto complainant to the tune of Rs.3,52,50,000/-. Hence the case.

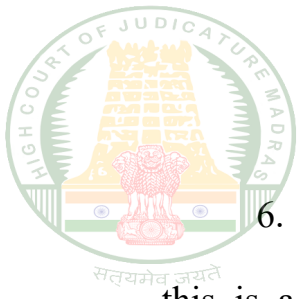
3. The learned counsel for the petitioners submitted that the petitioners have nothing to do with the commission of offences as alleged by the prosecution and that as per the agreement, 12 flats have to be constructed in the



defacto complainant's property and 6.5 flats are for the defacto complainant and 5.5 flats are for the petitioners. While so, the defacto complainant sold 6 flats and the petitioners sold 5 flats and one flat is in the possession of the defacto complainant. The learned counsel would further submit that when the petitioners approached the defacto complainant to give their half share over the remaining one flat, the defacto complainant, instead of giving the share of the petitioners, demanded Rs.3.6 crores from the petitioners for the delay in handing over the property and when the same was objected by the petitioners, this false and frivolous complaint has been lodged against the petitioners, in order to grab money from the petitioners. He would further submit that the dispute is purely civil in nature and the petitioners are ready and willing to abide by any condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. At this juncture, the learned Government Advocate (Crl.Side) appearing for the respondent police strongly objected the anticipatory bail petition and he would contend that the petitioners have entered into a Joint Venture Agreement with the defacto complainant and violated the terms of the agreement and cheated the defacto complainant to the tune of Rs3.6 crores.

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



6. From the submissions made by the learned counsel for the petitioner, this is a case of Joint Venture Agreement between the petitioners and the defacto complainant and for certain civil nature transactions, the defacto complainant has given complaint on 13.03.2025 for the transactions that had taken place between 01.01.2020 and 30.07.2024. According to them, at this stage, no custodial interrogation of the petitioners is required. It is also the contention of the petitioners that based upon the Power of Attorney only, they have executed Sale Deed.

7. At this juncture, the learned counsel for the intervenor admitted the Joint Venture Agreement, but would submit that out of 11 flats, the petitioners have to give 6 flats to the defacto complainant, whereas the petitioners sold all the 11 flats. In such view of the circumstances, he would submit that the very cheating exists from the inception of the transaction, therefore, he would object the anticipatory bail application.

8. The said contention of the learned counsel for the intervenor has been reiterated by the learned Government Advocate for the respondent.

9. Though on a prima facie look, this case, appears to be civil in nature, arising from a Construction Agreement, however, while looking into the FIR



with forensic insight, the petitioner has to give 6 flats to the defacto complainant. However, deliberately the petitioners along with other accused have sold all the 12 flats to third parties, which is utter violation to the Construction Agreement. In such view of the position, as rightly contended by the learned counsel for the intervenor, if the petitioners are enlarged on anticipatory bail, it would be too difficult to find out the layering of sale proceeds and in order to identify the same, custodial interrogation of the petitioners is required and therefore, this Court is not inclined to enlarge the petitioners on anticipatory bail.

7. Accordingly, the Criminal Original Petition is ***dismissed***.

25-06-2026

MJS

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Inspector of Police, Central Crime Branch-I, Vepery, Chennai-600 007.
2. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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