



CRL O.P. No.2150 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 18.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.2150 of 2025

1.Lakshmanan

2.Kayalvizhi

... Petitioners/Accused - A1 and A2

Vs

The State Rep. by Inspector of Police,
Central Crime Branch (CCB) – I,
Chennai.

Crime No.60 of 2023.

...Respondent

K.Mohanram

...Defacto complainant/Intervenor

[Permitted to intervene vide order dated 18.02.2025 of this Court [SMJ] made in Crl.M.P.No.2219 of 2025 in Crl.O.P.No.2150 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., 2023, praying to enlarge the petitioners on bail in the event of arrest or surrender in connections with the Crime No.60 of 2023 on the file of the respondent police.

For Petitioners : Mr.Iyyapparaj

For Respondent : Mr.S.Santhosh
Government Advocate
[Criminal side]

For Intervenor : Mr.Balakrishnan



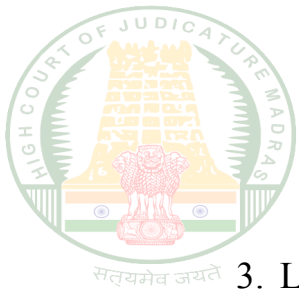
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ORDER

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The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of the IPC and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No.60 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant is running a garments company; that he approached the petitioners/A1 and A2 for finance; that A1 had advanced a loan of Rs.50,00,000/- (Rupees Fifty Lakhs only) and the *de-facto* complainant had mortgaged a land and the commercial building that stands in the name of the *de-facto* complainant's wife through a registered Mortgage Deed dated 27.11.2018 vide Doc.No.5849/2018 at SRO, Konnur; that the petitioners/A1 and A2 had demanded exorbitant interest and compelled the *de-facto* complainant and his wife to execute a Sale Deed without paying any sale consideration though the document says that the sale consideration was Rs.45,50,000/- (Rupees Forty Five Lakhs Fifty Thousand only); and that in order to cancel the said Sale Deed, the petitioners are demanding a sum of Rs.1,75,00,000/- (Rupees One Crore Seventy Five Lakhs only). Hence, the case.



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3. Learned counsel for the petitioners/A1 and A2 would submit that the transactions took place in the year 2018 and the Sale Deed was executed in the year 2019; that the complaint was lodged in the year 2023; that the allegations are false and in any case, the custodial interrogation of the petitioners/A1 and A2 is not required as the allegations are borne out by records and sought anticipatory bail for the petitioners.

4. Learned counsel for the *de-facto* complainant/intervenor opposed the grant of anticipatory bail and submitted that the petitioners had charged exorbitant interest and compelled the *de-facto* complainant and his wife to execute a Sale Deed without consideration and the petitioners/A1 and A2 do not deserve anticipatory bail.

5. Learned Government Advocate (Crl.Side) for the respondent reiterated the prosecution case and submitted that the notice was issued to the petitioners and they had appeared for an enquiry.

6. Considering the fact that the transactions between the petitioners and the *de-facto* complainant took place in the year 2018; that the Sale Deed which is



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sought to be questioned, was executed in the year 2019; that the complaint was lodged in the year 2023, and since the allegations are borne out by records, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of interrogation. Hence, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases at Egmore, Chennai** on condition that each petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police as and when required for the interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

18.02.2025

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To

- 1.The Metropolitan Magistrate
Exclusive Trial of CCB and CBCID Cases at Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Central Crime Branch (CCB) – I.
Chennai.



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SUNDER MOHAN,J.

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