



CrI.O.P.No.2233 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2233 of 2025

AND

CRL MP NO. 2210 OF 2025

1. Dinesh Kothari
2. Prashant Kothari
3. Vinod Kothari

Petitioner(s)

Vs

State rep.by.
Inspector of Police
CCB, Anti-Land Grabbing Cell,
Avadi City, Chermali
(Crime No.130 / 2024)

Respondent(s)

PRAYER: Criminal Original Petition has been filed under Section 482 of B.N.S.S. praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 130 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.Mohana Sundaram

For Respondent : Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (CrI. Side)

For Intervenor : Mr.V.Manohar



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 467 and 420 of I.P.C. in Crime No.130 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the defacto complainant is the owner of the land measuring an extent of 36 cents bearing Survey No.155/10A at Theeyampakkam Village; that A1, who is a financier had impersonated as defacto complainant and executed a power of attorney in favour of A3 Saravanan; that he cancelled the said power of attorney; that he executed a sale deed in favour of A3 on 13.04.2023; that A2 and A4 had signed as witnesses and on the strength of said sale deed, A3 Saravanan had transferred the property by way of two sale deeds bearing document Nos.8915/2023 and 14888/2023 on 12.06.2023 and 09.09.2023 respectively to the petitioners. Hence, this case.



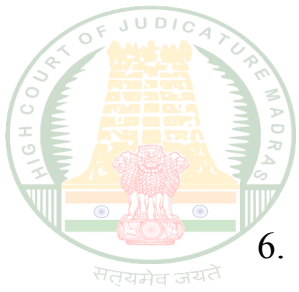
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3. The learned counsel appearing for the petitioners submitted that they are innocent purchasers and they have paid the money to the said Saravanan/A3 by cheques, money transfer and demand draft, besides cash and they themselves are victims in the alleged transaction. He would submit that in any case, their custodial interrogation is not required. Hence, he prayed for the grant of anticipatory bail to the petitioners.

4. The learned counsel for defacto complainant would vehemently opposed to grant anticipatory bail stating that the petitioners are behind the entire transaction and all these transactions took place within a span of two months. Hence, he would submit that they are not innocent purchasers and they are hand in glove with A3 and in any case, their custodial interrogation is very much required.

5. The learned Government Advocate (Crl. Side) reinstated the prosecution case and on instructions submitted that sale consideration was paid by money transfer and also demand drafts to the said Saravanan/A3 by the petitioners.



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6. Heard the learned counsel for the petitioners, learned counsel for defacto complainant and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

7. Considering the aforesaid facts, the nature of allegation; that the petitioners have paid sale consideration through bank transaction, demand drafts and since this case is borne out by records, their custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. However, the petitioners shall not create any third party interest in the property. Accordingly, they 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 Judicial Magistrate-II, Ponneri on condition that the petitioners shall execute a 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 said Magistrate, on further condition 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 everyday at 10.30 a.m. until further orders;

[c] the petitioners shall not create any third party interest in the property until further orders;

[d] the petitioners shall file an affidavit of undertaking before the trial court stating that they will not create any further encumbrance in any manner whatsoever;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[g] 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 of B.N.S.

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To
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1. Judicial Magistrate-II,
Ponneri.
2. The Inspector Of Police,
CCB, Anti-Land Grabbing Cell,
Avadi City, Chennai..
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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