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Crl.O.P.No.9647 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9647 of 2025

D. Kasiviswanathan,
S/o. P. Dhatchinamoorthy.

Petitioner(s)

Vs

State Rep.by,
Inspector of Police,
Central Crime Branch,
LFIW-II, Team 25,
Veppery, Chennai.
(Crime No.91 of 2024)

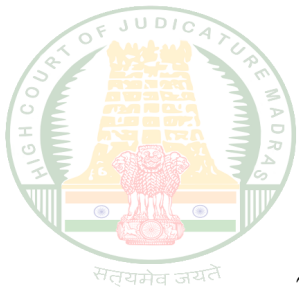
Respondent(s)

For Petitioner(s): M/s. S. Annakkodi

For Respondent(s): Mr. S. Santhosh, Government Advocate (Crl.side).

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120(B) of the Indian Penal Code, 1860, in Crime No.91 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the second accused had impersonated as defacto complainant and had executed a Power of Attorney in favour of one K. Balagovindan/the first accused, who in turn on the strength of the Power of Attorney, executed a Sale Deed in favour of M/s. Power Concrete Firm, in which, the 5th and 6th accused are the partners. It is alleged that no sale consideration was paid by the partnership firm, and thus, they cheated the defacto complainant. Hence, the complaint.

3. Learned counsel for the petitioner submits that the petitioner was working as a CEO in M/s. Power Concrete Firm, and the firm had purchased the property for a valuable sale consideration; that the partners of the said firm who were arrayed as A5 and A6, were already granted anticipatory bail by observing that they had purchased the property for valuable consideration which was paid by them to the defacto complainant through RTGS and Cheques, and hence prayed for anticipatory bail on the ground of parity.

4. Learned Government Advocate (Criminal Side) appearing for



the respondent police reiterates the case of the prosecution and opposed for the grant of anticipatory bail to the petitioner, stating that the Sale Deed was executed by the Agent, one Balagovindan, in favour of the partnership firm, for no consideration. Hence, custodial interrogation is required.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

6. This Court, perused the order of the Sessions Court granting anticipatory bail in Crl.M.P.No.15009 of 2024 and Crl.M.P.No.15010 of 2024 dated 07.06.2024. to the co-accused the partners of the firm, viz., M/s. Power Concrete Company. The petitioner was working as CEO in the said firm. The Learned Judge had noted that the original documents were with the accused and that this property was mortgaged with the Canara Bank, and that the intervenor was unable to explain how the original title deeds were in possession of the accused. It is also seen that the petition in Crl.O.P.No.23019 of 2024 filed by the defacto complainant/ intervenor, challenging the said order in Crl.M.P.No.15009 of 2024 was dismissed by this Court, by the order dated 23.10.2024.



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7. Considering the facts and circumstances of the case, the submissions made by the learned counsels on either side, and since custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Additional Chief Metropolitan Magistrate for CCB Cases**, on condition that the petitioner 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

[d] the petitioner shall not abscond either during the investigation or during the trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner was 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];

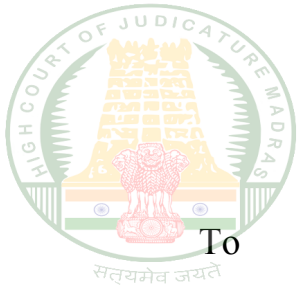
[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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klt

SUNDER MOHAN, J.

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To

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- 1.The Additional Chief Metropolitan Magistrate for CCB Cases, Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
LFIW-II, Team 25, Veppery, Chennai.
- 2.The Public Prosecutor, High Court of Madras.

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