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Crl.O.P.No.16973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16973 of 2025

Venkatesan

... Petitioner/A8

Vs.

State Rep. by its
The Inspector of Police,
CCB-1 Police Station,
Chennai-CCB, Chennai.
(Crime No.199 of 2024)

... Respondent

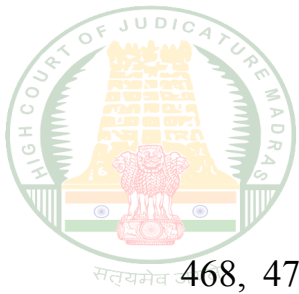
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.199 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2025, for the offence punishable under Sections 419, 420, 465, 467,



CrI.O.P.No.16973 of 2025

468, 471 and 120-B of I.P.C. in connection with Crime No.199 of 2024,
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2.The case of the prosecution is that A1, who is the son of petitioner herein, had created forged settlement deed and mortgaged the property with State Bank of India and obtained a loan of Rs.1.50 crores. Out of the said amount, Rs.75 lakhs has been transferred to the petitioner's account and another Rs.75 lakhs has been transferred to A9's account. Hence, the case.

3.The contention of the learned counsel for petitioner is that the petitioner is a senior citizen with health ailments. Though he was not a named accused in the F.I.R., the independent transaction of the 1st accused, who is none other than his son, has been projected against the petitioner. The occurrence took place in the year 2021 and the case was registered in the year 2024. The petitioner's son obtained loan of Rs.1.5 crores and he diverted a sum of Rs.75 lakhs to the petitioner's account and another Rs.75 lakhs to A9's account, who is the employee of A1. Out of Rs.75 lakhs, the petitioner had paid Rs.58,63,000/- to various persons connected with petitioner's son's

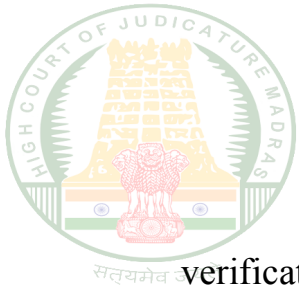


CrI.O.P.No.16973 of 2025

WEB COPY

business and had some cash withdrawal. According to the petitioner, the entire amount was handled by the petitioner's son/A1. The petitioner with good faith, handed over all the bank details to his son. The petitioner has got nothing to do with his son/A1's activity. He further submitted that except the petitioner/A8 and A4, all the accused were granted bail. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police filed his counter and submitted that the defacto complainant and one K.Mohan of CIT Nagar, Chennai, who are the rightful owners of properties, had purchased a land measuring an extent of 4800 Sq.ft., in survey No. 117 situated at Madipakkam Village, Sholinganallur Taluk, Chennai in the year 2001 by way of a registered sale deed, vide Doc. No.3210 of 2001, dated:23.08.2001 at Sub Registrar Office, Velachery. Further on 10.07.2024, the defacto complainant came to know from his neighbour that the bank officials from the State Bank of India had pasted a Demand Notice under section 13 (2) of SARFAESI Act'. Upon enquiry made with the said Bank, the defacto complainant came to know that his property was mortgaged by Harinath [A-1] and Jeyalakshmi [A-2]. On further



CrI.O.P.No.16973 of 2025

WEB COPY

verification, it is found that one Srinivasan [A-4] by way of a forged family settlement, executed a settlement deed vide Doc.No.195 of 2020, dated:10.01.2020 at Sub Registrar Office, Velachery in his favour. Thereafter, A-4 executed a sale deed vide Doc. No.852 of 2020, dated 10.02.2020 on the file of SRO Velachery in favour of A1. Thereafter, A2 who signed as a guarantor claiming as if she is the wife of A1, mortgaged the said property and obtained a loan to the tune of Rs.1,50,00,000/- from the State Bank of India. He further submitted that based on the above complaint, a case was registered in CCB-1, Chennai, Crime No.199 of 2024, under Sections 419, 420, 465, 467, 468, 471 r/w 120(B) IPC against the accused persons on 19.10.2024 at about 14.00 hours by Tmt.M.A.Yasmin, Assistant Commissioner of Police and submitted the same before Tmt.A.Menaga, the then Inspector of Police for further investigation. After investigation, the then Inspector of Police examined the defacto complainant and other witnesses and recorded their statements and also collected relevant documents from the concerned Bank Manager. The details of which reads as follows:

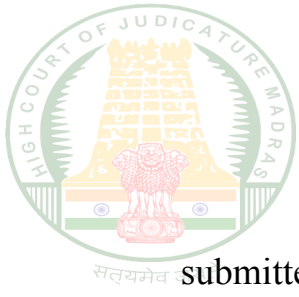


CrI.O.P.No.16973 of 2025

WEB COPY

	Arrest	AB / Bail or Jail	Recovery	Overtact
A1	Harinath Cr.No. 199/2024 formal arrested on 13.02.2025	Cr.No.240/2024 Arrested on 04.02.2025 Goondas detained Central Prison, Puzhal	Nil	A-4 executed a sale deed vide Doc.No.852 of 2020,dated:10.02.2020 on the file of SRO Velachery in favour of A1 mortgaged the said property and obtained a loan to the tune of Rs.1,50,00,000/- from the State Bank of India.
A2	Jeyalakshmi Arrested on 13.03.2025	Hon'ble high court CrI.O.P.No.9761/2025 Bail on 02.04.2025	Nil	A2 who signed as a guarantor claiming as if she is the wife of A1, mortgaged the said property and obtained a loan from the State Bank of India.
A3	Prema	-	Nil	Impersonating Surya Narayanan daughter of prema
A4	Srinivasan Arrested on 15.05.2025	Jail	Nil	Fraudulently claimed the complainant properties A3 executed a Settlement deed in favour of Srinivasan Doc No.195/2020
A5	Chitra 35(3) BNSS Enquired on 24.03.2025	-	Nil	A5 who witness signed as a Settlement deed Doc No.195/2020
A6	Pasupathy Absconding	-	Nil	A6 who witness signed as a Settlement deed Doc No.195/2020
A7	Lokesh Kumar Absconding	-	Nil	A7 who witness signed as a sale deed vide Doc.No.852 of 2020
A8	Venkatesan Arrested on 15.05.2025.	Bail petition before the Principal Sessions Judge, Chennai in CrI.M.P.No.4845/2025 and the same was dismissed on 05.06.2025.	Nil	A4 KVB account to A8 Kotak Mahindra Bank account received from loan amount Rs.75,00,000/-
A9	Manikandan Arrested on 15.05.2025.	Bail petition before the Principal Sessions Judge, Chennai in CrI.M.P.No.4677/2025 and the same was dismissed on 05.06.2025.	Nil	A4 KVB account to A9 KVB Bank account received from loan amount Rs.75,00,000/-

He further submitted that the petitioner connived with his son/A1 and cheated the Public Sector Bank to the tune of Rs.1.5 crores. He further



CrI.O.P.No.16973 of 2025

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bail.

submitted that except the petitioner/A8 and A4, all the accused were granted

5. At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show his bonafide, is ready and willing to deposit a sum of Rs.10,00,000/- to the credit of the Crime No.199 of 2024 without prejudice to his right of defence in the above case.

6. Considering the nature of allegations and the submission that the petitioner is willing to deposit an amount of Rs.10,00,000/- to the credit of Crime No.199 of 2024 and also finding that in this case except the petitioner/A8 and A4, all the accused came out on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,00,000/- [Rupees Ten lakhs only]** to the credit of Crime No.199 of 2024 before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum



Crl.O.P.No.16973 of 2025

WEB COPY

of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **CCB & CBCID Metropolitan Magistrate, Egmore, Chennai**. On such deposit being made, the trial Court shall redeposit the said amount in an interest bearing account and on further conditions that:

[a] 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 the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to



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CrI.O.P.No.16973 of 2025

pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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)13 SCC 283]**;

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

09.07.2025

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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.



Crl.O.P.No.16973 of 2025

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- To
- 1.The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai.
 - 2.The Inspector of Police,
CCB-1 Police Station,
Chennai-CCB, Chennai.
 - 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
 - 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.16973 of 2025

M.NIRMAL KUMAR, J.

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Crl.O.P.No.16973 of 2025

09.07.2025