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CRL OP NO.20291 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.20291 of 2025

1.S.Saravanan
2.Kiruthika

.... Petitioners/Accused 1 & 2

Vs

The State Rep. By
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

(Crime No.Not known of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 438 of Cr.P.C/482 of BNSS Act, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.Not known of 2025 on the file of the respondent police.

For Petitioners
For Respondent

: Mr.Panneeerselvan S
:Mr.S.Udayakumar,
Government Advocate (Crl.side)

ORDER

Page 1 of 6



CRL OP NO.20291 of 2025

WEB COPY

The petitioners herein apprehend arrest at the hands of the respondent police for offences punishable under Sections 420, 421, 465 and 502 I.P.C, in Crime No. Not known of 2025, on the file of the respondent police, and therefore seek anticipatory bail.

2. The allegation against the petitioners is that they, on the pretext of arranging a dealership with a private limited company, induced the de-facto complainant to deposit a sum of Rs.35 lakhs. Since the de-facto complainant did not have sufficient funds to make the payment, the petitioners persuaded him to hand over his original property documents for the purpose of mobilizing funds. However, by using those original documents, the petitioners allegedly obtained a loan of Rs.1.19 crores without the knowledge of the de-facto complainant. Subsequently, the loan amount was defaulted, and proceedings under the SARFAESI Act were initiated. After the initiation of the SARFAESI proceedings, the de-facto complainant came to know about the alleged act and lodged the present complaint. Hence, the present case.



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3. The learned counsel for the petitioners submitted that the property mortgaged was jointly owned by the de-facto complainant and the petitioners. It is further submitted that the petitioners' property was also sold, and a major portion of the loan amount has been settled. The balance amount yet to be paid is Rs.37 lakhs. Therefore, the learned counsel prays for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the case involves an act of cheating, wherein under the guise of mobilizing funds for the de-facto complainant to the tune of Rs.37 lakhs, the petitioners misused his documents and availed a loan of Rs.1.19 crores. Hence, the prosecution strongly opposed the grant of anticipatory bail to the petitioners.

5. Considering the fact that a huge amount was availed by the petitioners by allegedly forging and mortgaging the property documents of the de-facto complainant, and though it is stated that a portion of the amount has been repaid to the bank, this Court is not inclined to grant anticipatory bail merely on that ground.



CRL OP NO.20291 of 2025

6. Accordingly, this Criminal Original Petition stands dismissed.

WEB COPY

15-10-2025

nvi

To

1. The Judicial Magistrate No.1, Namakkal.

2. The Inspector of Police,

Namakkal Police Station,

Namakkal District.

3. The Public Prosecutor, High Court of Madras.



WEB COPY



CRL OP NO.20291 of 2025

K.RAJASEKAR, J.,

nvi

CRL OP NO.20291 of 2025



WEB COPY



CRL OP NO.20291 of 2025

15.10.2025