



Crl.O.P.No.24349 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24349 of 2025

M.Kannan

... Petitioner

Vs.

State rep by:-

The Sub Inspector of Police,
EDF-III, Team XXIA,
Central Crime Branch,
Vepery, Chennai – 600 007.
Crime No.90 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in the
event of his arrest in C.C.No.6662 of 2022, on the file of the Metropolitan
Magistrate for Exclusive Trial of CCB Cases (Relating to cheating cases
in Chennai) and CBCID Metro Cases, Egmore, Chennai – 08.

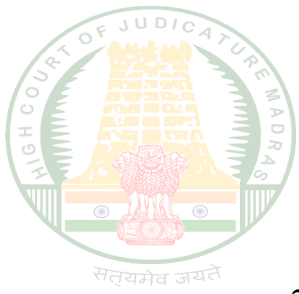
For Petitioner : Mr.P.T.Perumal

For Respondent : Mr.S.Udayakumar

Government Advocate (Crl.side)

ORDER

The petitioner apprehends arrest for the alleged offence punishable
under Sections 406 and 420 read with Section 34 of IPC, seeking
anticipatory bail.



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2. It is a strange case where the defacto complainant himself is now facing Non Bailable Warrant for not re-depositing a sum of Rs.28 lakhs which he has withdrawn pending trial in C.C.No.6662 of 2022. To put in a nutshell, C.C.No.6662 of 2022 is the product of investigation on the complaint given by this petitioner alleging cheating of a sum of Rs.3.20 crores by the accused persons.

3. During the course of investigation, one of the accused by name Shivakumar was granted bail on condition that he should deposit a sum of Rs.28 lakhs in the crime account. Accordingly, he has paid that money and got bail. Later, the defacto complainant, who is the petitioner herein took application to withdraw the money, and the trial Court also allowed the same. As a consequence, the defacto complainant had withdrawn Rs.28 lakhs. Meanwhile, the said accused Shivakumar has filed a discharge application, which was allowed by the learned Metropolitan Magistrate.

4. The learned Metropolitan Magistrate has thought fit that the defacto complainant is liable to return the money since the accused



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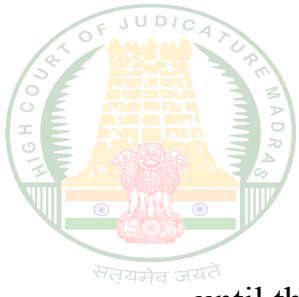
already been discharged by his order.

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5 In the said circumstances, the defacto complainant has appeared before the Judicial Magistrate and reported that the discharge order is under challenge before the High Court, being satisfied with the time to get its number and to get redressal. It appears that the Judicial Magistrate not being satisfied with the reasons, had issued NBW and posted the case on 17.09.2025. This has forced the petitioner herein to approach this Court seeking anticipatory bail.

6. On considering the issue, this Court is of the view that since the defacto complainant has taken the course by approaching the High Court challenging the discharge order, the court below shall refrain from taking any action which may precipitate the issue.

7. Hence, the execution of NBW issued against this petitioner is stayed, on condition that the petitioner herein deposit a sum of Rs.28 lakhs on or before 17.09.2025 in C.C.No.6662 of 2022. The said amount shall not be permitted to be withdrawn by the accused particularly A6,



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until the trial in C.C.No.6662 of 2022 reaches its logical end.

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To

1.The Metropolitan Magistrate for Exclusive Trial of CCB Cases
(Relating to cheating cases in Chennai)
and CBCID Metro Cases, Egmore, Chennai – 08.

2.The Sub Inspector of Police,
EDF-III, Team XXIA,
Central Crime Branch,
Vepery, Chennai – 600 007.

3.The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.



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