IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

Crl.O.P.Nos.28902 & 28771 of 2025

1.Prabhakaran @ Mariam Prabhakaran ... Petitioner in Crl.O.P.No.28902 of 2025

2.Chenthil Perumal ... Petitioner in Crl.O.P.No.28771 of 2025

Vs.

State Rep by
The Inspector of Police,
Central Crime Branch – I,
EDF-I, Chennai District,
Crime No.82 of 2025. ....Respondent in both Crl.O.P's

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest of their arrest by the respondent police in Crime No. 82 of 2025 on the file of the respondent police.

For Petitioner
in Crl.O.P.No.28902 of 2025 :S.Siddharth
For Petitioner

in Crl.O.P.No.28771 of 2025 :Alex Abraham

For Intervenor : Mr.R.Thirumoorthy

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

COMMON O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 506(i), and 120(B) of IPC, in Crime No. 82 of 2025 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the 1st petitioner was running a M/s.Cumbum Valley Winery Private Limited. The said company deals with carrying on business of Design, Engineering, Procurement, Construction, Operation, and maintenance of municipal and industrial units in India and abroad and also deals with storm water drainage management and other related work. Subsequently, the 1st petitioner had received a sum of Rs.10,00,00,000/- from the de-facto complainant viz., M.Raghu, Managing Director of the company with the promise of giving sub-contract of sand mining. Since the petitioners were unable to get license from the Government immediately, they have informed the same to the de-facto complainant. In the meanwhile, the petitioners had repaid a sum of

Rs.1,50,00,000/- as per requested by the de-facto complainant and the balance amount of Rs.8,50,00,000/- has not been repaid by the petitioners. Hence the case.

3.The petitioners had earlier moved an anticipatory bail application in Crl.O.P.No.21875 of 2025 before this court, which was dismissed on 24.09.2025 the ground that the investigation was at a preliminary stage. Subsequently, A4 and A5 were arrested, interrogated, and nearly Rs.9 crores was identified. Steps have been taken to attach the properties, based on the above change in circumstances this petition is filed.

4. The learned counsel appearing for the petitioner/A1 submitted that the majority of the allegations are against A4 and A5, who are the directors of the company. The petitioner, on the other hand, had already resigned from the company, and the ROC was also filed in this regard. He further submitted that a civil suit is pending between the parties in OS No. 6898/2024 before the IV Additional City Civil Court, Chennai. The transactions are alleged to have taken place in the year 2020, and the complaint was lodged four years later, hence prays to grant anticipatory bail.

5. The learned counsel for the petitioner/A2 submitted that he is only

an employee and served as the Vice President of the company. He has not benefited from the transactions. He further submitted that although it is stated that some bar licenses were obtained in the petitioner's name, they were actually taken in the company's name. Hence, he prayed for grant of bail to the petitioners.

6. The learned counsel for the intervener submitted that this court had elaborately considered the role of each person in the earlier proceedings and dismissed the bail application. He further submitted that despite identifying properties, no attachment orders have been passed by the police. A1 is the main accused, and granting bail would likely hamper the investigation. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

7. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that the accused had collected a sum of Rs.10 crores in the name of the company, promising to arrange sand mining licenses in the year 2021. However, they misappropriated the funds, by delaying with the process and citing various excuses. After the earlier anticipatory bail was dismissed, A4 and A5 were arrested, and the investigation revealed that properties were purchased in

the name of A2, A4, and A5 on the instructions of A1. The counter filed herein also listed out the properties purchased. The investigation is still pending, and two other cases are registered against the petitioners Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

8.Considering the submissions made on both sides and perusing the records, this court, vide order dated 24.09.2025, dismissed the bail application filed by petitioners. After the dismissal, A4 and A5 were arrested, and the investigation revealed that the majority of the money collected from the de facto complainant in 2021 had been invested in various immovable properties in the year 2022 itself. Although the complainant alleged that he was cheated by a false promise of securing a sand mining contract and lodged a complaint in the year 2025, it appears that a amount was received by the petitioners through false promises in the year 2021. However, the investigation officer has identified properties worth nearly Rs.9 crores in this case. Further steps have been taken up for attachments. Hence there is change in circumstances and I am of the view that since complaint is lodged after delay of 4 years and properties are identified, custodial interrogation in this case not necessary at this stage. Accordingly, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

 9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned Metropolitan Magistrate Court for Exclusive Trial of CCB and CBCID cases, Egmore, Chennai,** on condition that **the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only),** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) **The petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions 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 v. State of Kerala [(2005) AIR SCW 5560];***

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

04.11.2025

mpa

K.RAJASEKAR, J.

mpa

To
1.The Metropolitan Magistrate for Exclusive
Trial of CCB and CBCID Cases at Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch – I,
Chennai District,
Crime No.82 of 2025.

3. The Public Prosecutor,
High Court of Madras.

<u>Crl.O.P.Nos.28902 & 28771 of 2025</u>

04.11.2025