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CrI.OP.No. 32375 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 32375 of 2025

1.K.Kishore Kumar
2.K.V, Sathish Kumar

Petitioners/A3&A4

Vs

The State rep. by
The Inspector of Police
Central Crime Branch
EDF-1, Beta – II, Vepery
Chennai – 600 007
Crime No. 189 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.189 of 2025 on the file of the respondent police.

For Petitioners : Mr.Venkatesan S.L.
For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 120B IPC in Crime No.189 of 2025, on the file of the respondent Police, seek anticipatory

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2. The allegation against the petitioners is that the petitioners are ranked as A3 & A4. The de-facto complainant was having a land at West Mugappair and she has voluntarily come forward to execute a Power of Attorney in favour of A3 for the purpose of mortgaging the land in order to assist for A1 & A2. Taking advantage of the Power of Attorney, A3 mortgaged the property in favour of A4 and collected a sum of Rs.60,00,000/-. However, the funds were not paid to the de-facto complainant herein. Subsequently, it is also alleged that the property was also sold in faovour of third parties. Hence the complaint.

3. The learned counsel for the petitioners submits that the petitioners have not sold the property of the de-facto complainant and they have only executed mortgage deed since there was an agreement between the petitioners and the de-facto complainant and even the Power of Attorney itself is executed only for the purpose of mortgaging the land. It is also stated that the petitioners have also paid money and thereafter, the de-facto complainant has also cancelled the Power of Attorney executed in favour of A3 and sold the property in favour of third parties. He also submits that the



petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent police, reiterated the prosecution case and submits that investigation is pending and the de-facto complainant has been cheated by way of non payment of mortgage amount and also creating encumbrance over the de-facto complainant's property. Therefore, he opposed for grant of anticipatory bail to the petitioners.

5. Heard the learned counsels and perused the materials available on record.

6. It is alleged that based on the Power of Attorney, A3 mortgaged the property in favour of A4 and grievances regarding the Power of Attorney, and non-payment of mortgage amount shall be redressed through civil forum not by way of criminal forum, and the Power of Attorney executed in favour of A3, was also cancelled and all the allegations borne out from the records, hence, this Court is inclined to grant anticipatory bail to the petitioners with



certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **CBCID, Egmore, Chennai**, on condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with two **sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) If the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen 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 the identity proofs to ensure their identity;



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[c] the petitioners shall report before the respondent Police daily 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 aforementioned conditions, the learned Magistrate/Trial Court is entitled to 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]**;

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

03.12.2025

MSM
To

1.The CBCID, Egmore, Chennai.

2.The Inspector of Police
Central Crime Branch
EFF-1, Beta – II, Vepery
Chennai – 600 007

Crime No. 189 of 2025.

3. The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

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