



CRL OP(MD)No.11072 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.11072 of 2025
and
Crl.M.P(MD)No.9245 of 2025

Anbu
S/o.Nagarajan

...Petitioner/ Accused No.1

Vs.

The State of Tamilnadu rep.by,
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.127 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.V.Sukumar
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate(Crl.Side)

For Intervenor : Mr.P.M.Vishnu Varthanan
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

For Anticipatory Bail in Crime No.127 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 405, 406, 409 and 420 of IPC, in Crime No.127 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the Branch Manager of M/s.Cholamandalam Investment and Finance Company Ltd., the Accused No.2/Karthick, borrowed the loan facility from the petitioner's Finance Company Ltd., who approached the defacto complainant to take over the said loan from the petitioner's company to the defacto complainant/Repco Bank. The defacto complainant issued a cheque to the tune of Rs.15,50,000/- to the petitioner's Cholamandalam Investment and Finance Company Ltd. After receiving the said cheque, instead of handing over the original documents to the Repco Home Finance Ltd., the petitioner handed over the same to the Accused No.2/Karthick/borrower of Cholamandalam. Hence, a case has been registered.



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3. The learned counsel appearing for the petitioner submits that the petitioner is the branch manager of M/s.Cholamandalam Investment and Finance Company Ltd., and the defacto complainant is the Repco Home Finance Ltd. Accused No.2 borrowed a loan facility from the petitioner's institution and Accused Nos.2 and 3 have approached the defacto complainant's institution and stated that they want to take over the loan facilities from our institution to defacto complainant's institution. Instead of handing over the original document to Repco Home Finance Ltd., the petitioner handed over the original documents to Accused No.2. He would further submit that on enquiry, Accused Nos.2 and 3 admitted that they would hand over the original documents to the defacto complainant, but failed to do so. He would further submit that Accused No.2 has also filed O.S.No.10 of 2024 before the learned District Munsif, Kumbakonam, seeking an injunction against the defacto complainant and the respondent police to get back documents from him and the said suit is also pending. He would further submit that the petitioner hails from a respectable family and he has been falsely implicated in this case, and the case is civil in nature. Hence, he seeks anticipatory bail to the petitioner.

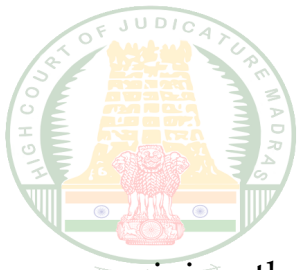
4. The learned Government Advocate (Crl.side) submits that there are totally



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three accused in this case and the petitioner is arrayed as Accused No.1. The
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petitioner is the branch manager of M/s.Cholamandalam Investment and Finance
Company Ltd. He undertakes to hand over the original title deed after getting
cheque for the loan amount from the defacto complainant's Finance Company and
by agreeing that the defacto complainant's Finance Company issued a cheque of
Rs.15,00,000/- to the petitioner. But the petitioner did not hand over the document
as agreed to the defacto complainant and he handed it over to Accused No.2. He
would further submit that the petitioner has filed Crl.M.P.No.2391 of 2025 seeking
anticipatory bail and the same was dismissed by the Principal Sessions Judge,
Thanjavur on 17.06.2025. Hence, he objected to grant anticipatory bail to the
petitioner.

5.The learned counsel for the defacto complainant/intervenor submits that the
third accused approached the defacto complainant's Finance Company Ltd. to
require housing loan to purchase the property from Accused No.2, after closing the
mortgage loan maintained in M/s.Cholamandalam Investment & Finance Company
Ltd., Kumbakonam. As per the banking regulations, cheque No.244351, dated
29.04.2023 for a sum of Rs.15,50,000/- was drawn in the name of the petitioner's
Finance Company, directly from the defacto complainant's Finance Company. While



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receiving the demand draft, the petitioner ensured that he would hand over the original documents of the mortgaged property to the defacto complainant. But the petitioner did not hand over the original title deed document to the defacto complainant and he handed over to the second accused. Therefore, the petitioner along with other accused persons, cheated the defacto complainant and hence, he strongly opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration of the above facts and circumstances of the case and also the fact that the petitioner has received the amount of Rs.15,50,000/- from the defacto complainant by way of Demand Draft and failed to return the original documents to him, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

sd/-
16/07/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to V.SUKUMAR Advocate SR.No.7759 (I) DT.18/07/2025

ORDER
IN

CRL OP(MD) No.11072 of 2025
Date :16/07/2025

NM/08.08.2025/ 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023