



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No. 26256 of 2022

K.Dhakshinamoorthy

... Petitioner/
De-facto complainant.

Vs.

1.J.Karthikeyan

2.P.Divya Shree

3.STATE Rep: By:
The Inspector of Police (Crime)
F-5, Choolaimedu Police Station
Chennai – 600 094.

...Respondents

Prayer: Criminal Original Petition filed under Section under Section 439(2) of the Code of Criminal Procedure, praying to cancel the anticipatory bail granted by the Principal Sessions Judge, Chennai, in Crl.M.P.No. 18222 of 2022 dated 30.09.2022.

For Petitioner	: Mr.T.Ashok Kumar
For RR1 & 2	: Mr.T.Ramachandran
For R3	: Ms.J.R.Archana Government Advocate (Criminal Side)



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ORDER

This Criminal Original Petition is filed seeking to cancel the anticipatory bail already granted to the bail petitioners in Crl.M.P.No.18222 of 2022, dated 30.09.2022 by the learned Principal Sessions Judge, Chennai.

2.Earlier, the respondents 1 and 2 were granted anticipatory bail by the learned Principal Sessions Judge, Chennai, in Crl.M.P.No.18222 of 2022 vide order dated 30.09.2022. It is alleged that the bail petitioners/respondents 1&2 have come forward to sell the land belongs to them for a total sale consideration of Rs.54 lakh and received an advance of Rs.31.35 lakh from the de-facto complainant and also executed sale agreement to the de-facto complainant. Further, without selling their land to the de-facto complainant, they sold the property to a third party thereby cheated the de-facto complainant. Hence, the case has been registered against the bail petitioners, and they had approached the Sessions Court and obtained anticipatory bail.

3.The learned Counsel for the petitioner/de-facto complainant submitted that the bail petitioners obtained anticipatory bail from the Sessions Court by suppressing the facts of two complaints preferred by the

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de-facto complainant and also the pendency of a civil suit between the parties. So far, they have not lodged any other complaint except the present complaint, and there is also misrepresentation before the Sessions Court while obtaining anticipatory bail by the bail petitioners. Hence, he prayed to cancel the anticipatory bail already granted to them.

4.The learned Counsel for the bail petitioners/respondents 1&2 submitted that they have not suppressed any facts while obtaining bail. Admittedly, the bail petitioners had filed the suit in O.S.No.3225 of 2022 against the de-facto complainant and the same is pending before the XV Assistant City Civil Court, Chennai. The fact remains that a civil suit is pending between the parties for specific performance. He further submitted that there are earlier complaints on the sale agreement made between them. The first respondent herein has also moved before this Court by way of Crl.O.P.No.19060 of 2022 seeking a direction against the respondent police therein not to harass them. These facts have been noted in the anticipatory bail order and it was granted only based on the representation and therefore, he prayed to dismiss the above petition.



5.I have gone through the FIR and other connected materials placed before me. On perusal of the order passed in CrI.M.P.No.18222 of 2022, dated 30.09.2022 by the learned Principal Sessions Judge, Chennai, the Court, has recorded the fact of filing of suit before the civil court as well as the CrI.O.P.No.19060 of 2022 before this Court by the bail petitioners. Hence, it is not a case of misrepresentation and it has been taken note of by the Sessions Court while granting anticipatory bail. It is also an admitted fact that the allegation in the case is based on the violation of agreement entered into between the parties.

6.In view of the same, this Court is of the view that the anticipatory bail had already been granted to the respondents 1&2 herein by the Sessions Court is based on sound reasons, and it is not based on the misrepresentation, or obtained by suppression of fact. Hence, this is not the fit case to cancel the anticipatory bail granted to the respondents 1 and 2.

7.Accordingly, this Criminal Original Petition is dismissed.

16.02.2026

MSM

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To

1.The Inspector of Police (Crime)
F-5, Choolaimedu Police Station
Chennai – 600 094.

2.The Public Prosecutor
High Court of Madras.



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K.RAJASEKAR J.

MSM

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