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Crl.O.P.No.34901 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2026

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THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.34901 of 2025

1.Prasath
2.Iswarya

... Petitioners/A1 & A2

Vs.

The State Rep. By,
The Inspector of Police (Crime)
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 anticipatory
bail in the event of his arrest in Crime No.189 of 2025 on the file of the
respondent police.

For Petitioners : Mr.V.Manohar
for Mr.S.L.Venkatesan
For Respondent : M/s.J.R.Archana
Government Advocate (Criminal Side)
For Intervenor : Mrs.S.Giritharan



Crl.O.P.No.34901 of 2025

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ORDER

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

2. The first petitioner/A1 has been arrested. The allegation against the 2nd petitioner is that she is the wife of A1 and it is alleged that they obtained power of attorney for the purpose of helping the defacto complainant for availing mortgage loan and after getting power of attorney in favour of A3, he has mortgaged the property in favour of A4 and collected a sum of Rs.60 lakhs, however, the funds were not paid to the defacto complainant herein. Hence, the complaint.

3. The learned counsel appearing for the petitioners that the petitioners have not sold the property of the defacto complainant and they have only executed mortgage deed since there was an agreement between the A3 & A4 and the defacto complainant and even the Power of Attorney itself is executed only for the purpose of mortgaging the land and A3 & A4 had paid money and thereafter the defacto complainant has also cancelled the power of

2/6



Crl.O.P.No.34901 of 2025

attorney in favour of A3 and sold the property in favour of third parties. He further submitted that, petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that investigation is pending and the defacto complainant has been cheated by way of non payment of mortgage amount and also creating encumbrance over the defacto complainant's property. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor submitted that, in this case total amount of Rs.60,00,000/- has been cheated by A1 & A2 by joining hands with other accused and if anticipatory bail is granted, there is a likelihood that they will hamper the investigation and opposed to grant anticipatory bail to the petitioners.

6. Heard the learned counsels on either side and perused the materials available on record.



Crl.O.P.No.34901 of 2025

7. Considering the fact that the 1st petitioner has been arrested, **this Criminal Original Petition is dismissed.** Considering the fact that the 2nd petitioner is a lady and now the power of attorney has been cancelled and the allegations are borne out from the records, custodial interrogation of petitioner is not necessary, hence this Court is inclined to grant anticipatory bail to the 2nd **petitioner** with certain conditions:

8. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **CCB and CBCID Court, 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 fails to surrender before the concerned Magistrate within a period of ten 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;

[c] the petitioners shall report before the respondent police daily at 10.30.a.m., for a period of two 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 petitioners in accordance with law as if the aforementioned 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 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.

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K.RAJASEKAR, J.

sma

To

1. CCB and CBCID Court, Egmore, Chennai.
- 2.The Inspector of Police (Crime)
Central Crime Branch,
EDF-1, Beta-II, Vepery,
Chennai – 600 007.
- 3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.34901 of 2025

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