



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18281 of 2026

and

CRL. MP.No.12166 of 2026

Guru Ganesh
S/o.Venkatachalapathy Alias R.P.Kannan,
No.6, Selva Vinayagar Koil Street,
North Street, Pettai,
Tirunelveli - 627 004.

..Petitioner(s)

Vs

1. State Represented by The Inspector of Police,
SCCIC, Cyber Crime Wing,
Ashok Nagar, Chennai.
2. R.Sheebapriyadharshini
W/o.Daniel Simpson Martin,
No.149, Kambar Street,
Gudiyatham, Vellore - 632 602.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating to the order passed in CrI.M.P.No.11635 of 2025 on the file of the learned Principal Sessions Judge, Chennai, dated 19.06.2026 in Crime No.40 of 2025 on the file of the 1st Respondent and Set aside the same.

For Petitioner(s):

M/s.A.S. Bhuvaneshwaran

For Respondent(s):

Mr.M.Mohamed Royaz

Government Advocate (Criminal Side) for R1



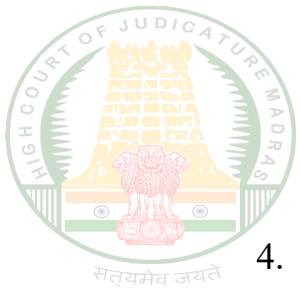
ORDER

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This Criminal Original Petition has been filed challenging the order dated 19.06.2026 passed in Crl.M.P.No.11635 of 2025 in Crime No.40 of 2025. By the said order, the application filed by the defacto complainant seeking payment of the sum of Rs.4,00,000/-, deposited by the petitioner pursuant to the condition imposed while granting bail, was allowed. Aggrieved by the said order, the present Criminal Original Petition has been filed.

2. The learned Council for the petitioner submitted that the trial Court has rendered findings on the merits of the case solely based on the alleged confession statement of the petitioner. According to the learned counsel, the confession statement is inadmissible in evidence and the petitioner is contesting the criminal case. It was further submitted that the amount deposited belongs to the petitioner and was deposited only in compliance with the bail condition. Therefore, until the petitioner is found guilty after trial, the said amount cannot be directed to be paid to the de facto complainant.

3. Per contra, the learned Government Advocate (Criminal Side) submitted that the trial Court, after considering the prima facie materials available on record, rightly ordered payment of the amount to the de facto complainant, subject to appropriate safeguards.



4. I have considered the rival submissions made on either side and perused the materials available on record.

5. As rightly contended by the learned counsel for the petitioner, the trial Court ought not to have recorded findings touching upon the merits of the case while deciding an interlocutory application. The truth or otherwise of the allegations made in the complaint can be determined only upon appreciation of evidence during the course of trial. Therefore, none of the findings or observations made by the trial Court in the impugned order shall prejudice the petitioner, and the petitioner shall be at liberty to raise all grounds available to him on the merits of the case during trial.

6. However, this Court is not inclined to interfere with the disbursement of the amount already made to the defacto complainant, since the same was ordered subject to the condition that the defacto complainant shall execute an indemnity bond undertaking to refund the amount in the event it is ultimately found during trial that the petitioner is entitled to the said amount. The said condition sufficiently safeguards the interest of the petitioner.

7. With the above observations and clarification that none of the findings or observations made by the trial Court in the impugned order shall influence



the trial or prejudice the defence of the petitioner, this Criminal Original
Petition stands disposed of. Consequently, connected miscellaneous petition is
closed.

13-07-2026

Neutral Citation: Yes/No

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To

1. The learned Principal Sessions Judge, Chennai.
2. The Inspector of Police,
SCCIC, Cyber Crime Wing,
Ashok Nagar, Chennai.
3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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13-07-2026