



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 17872 of 2026

Sadaiyan Munusamy
S/o,.Munusamy,
99, Mariamman Kovil Street,
Namathodu,
Tiruvannamalai - 632313.

..Petitioner(s)

Vs

State Rep by Inspector of Police
Crime Branch,
Salem District.
Crime no.16 of 2023.

..Respondent(s)

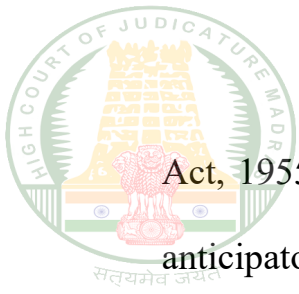
PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on anticipatory Bail in the event of his arrest in connection with Crime No.16 of 2023 on the file of the District Crime Branch, Salem District, pending investigation.

For Petitioner(s): M/S. M.Sneha

For Respondent(s): MR.N.PALANIVEL, GOVT.ADVOCATE
(CRL.SIDE)

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 120-B, 420, 294(b), 323, 324, 506(ii) and 307 of the Indian Penal Code, along with Section 4 of the Tamil Nadu Prohibition of Harassment of Women



Act, 1955, in Crime No.16 of 2023, on the file of the respondent police seeks anticipatory bail.

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2. It is the case of the prosecution that there are two accused in the present case; this petitioner is arrayed as A2; the petitioners /accused had induced the defacto complainant to invest huge amount for the purpose of carrying on business and, thereafter, failed to honour the promise made, thereby giving rise to the present complaint. Though the alleged occurrence took place on 21.10.2021, the FIR came to be registered only on 10.08.2023.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. The learned counsel for the petitioner submitted that the FIR came to be registered in the year 2023 and. The learned counsel for the petitioner would further submit that the petitioner is innocent and that a civil suit in O.S.No.11 of 2023 is pending between the parties. According to him, the entire dispute has arisen out of a money transaction and the criminal proceedings have been initiated due to the said dispute. He further submitted that co accused is already released on anticipatory bail by this Court and he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that no previous cases have been registered against the petitioner. However, he opposed to grant anticipatory bail to the petitioner. It is further submitted that the 1st accused has already been granted anticipatory bail by this Court on 02.07.2026.

5. This Court has perused the order dated 02.07.2026 passed by this Court, wherein the nature of the offence and the circumstances of the case were elaborately considered, and in paragraph No.6, this Court has observed as follows:

“6. Considering the fact that according to the prosecution, the petitioner induced the defacto complainant to invest a sum of Rs.8,00,000/- for business purposes. However, it is not in dispute that the alleged occurrence is of 21.10.2021, whereas the FIR came to be registered only on 10.08.2023. It is also brought to the notice of this Court that a civil suit in O.S. No.211 of 2023 is pending before the learned Sub Court, Cheyyar, between the parties. Having regard to the delay in registration of the FIR, the pendency of the civil proceedings, and the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not required at this stage., this Court is inclined to enlarge him on anticipatory bail, subject to certain conditions.”



6. Considering the above observations, this Court finds that the present petitioner is also placed on the same footing as that of the co-accused, who has already been granted anticipatory bail. Hence, the petitioner is entitled to the benefit of parity. Accordingly, this Court is inclined to enlarge the petitioner on bail on the same conditions imposed on the co-accused.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court-VI, Salem, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fail to surrender before the concerned learned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

(c) the petitioner shall appear before the respondent police as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

10-07-2026

JRS

To

1. The Judicial Magistrate Court-IV, Salem

2. The Inspector of Police
Crime Branch,
Salem District.
Crime no.16 of 2023.

3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

JRS

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