



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 18309 of 2026

and

CRL MP No. 12692 of 2026

Chinnadurai

..Petitioner

Vs

The State rep. By,
The Inspector of Police,
District Crime Branch,
Kallakurichi.
Crime No.0284/2026

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused-1 on bail pending investigation in Crime No.0284/2026 for the alleged offences u/s.316(2),318(4) of BNS, 2023 on the file of the respondent.

For Petitioner:

Mr.K.Madhan

For Respondent:

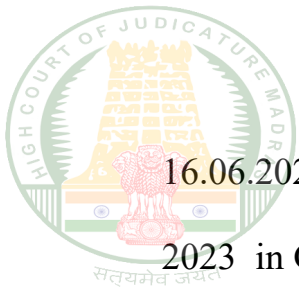
Mr.S.Yogaraja Sekar
Counsel for Government of Tamil Nadu
(Criminal Side)

For Intervenor:

Mr.K.Manoj

ORDER

The petitioner, who was arrested and remanded to judicial custody on



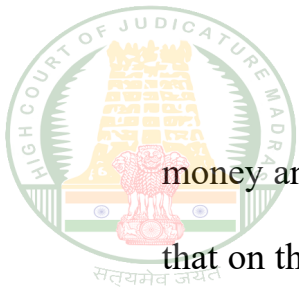
16.06.2026 for the alleged offence under Sections 316(2) and 318(4) of BNS 2023 in Crime No.0284 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the de facto complainant advanced loan to the petitioner in February 2021. Thereafter, when the petitioner was not in a position to repay the said amount, he offered to sell his land and in furtherance thereof, the de facto complainant has again parted some amount. Thus, in total, the petitioner has received 57 lakhs. Subsequently, the petitioner neither returned the money nor executed the sale deed. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner has been remanded in judicial custody since 16.06.2026. He further submitted that A2 and A3 were already enlarged on bail. It is the contention of the learned counsel for the petitioner that even according to the averments made in the FIR, the dispute involves a monetary transaction which is civil in nature.. However, the petitioner has given it a criminal colour and filed the present FIR. Based on which, the petitioner has been incarcerated since 16.06.2026. Hence, he prayed to enlarge the petitioner on bail.

4. Per contra, the learned counsel for the Intervenor strongly objected such contention and submitted that from the very inception of the receipt of



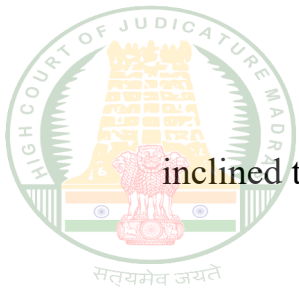
money and offering the land for sale, there was a clear intention of cheating and that on the petitioner's instruction, the money was transferred to A1 to A4 Bank

Account and the petitioner have received Rs.57 lakhs from them and even neither repaid the amount nor executed the sale deed. It is also the contention of the learned counsel for the Intervenor that the petitioner cannot seek parity with A2 and A3 where they have been granted bail on a different ground.

5. The said contention was reiterated by learned Government counsel.

6. I have given my anxious consideration to either side submissions and perused the materials available on record.

7. While looking into the FIR, *prima facie*, it discloses the monetary transaction between the petitioner and the de facto complainant. Though there is an allegation of cheating against this petitioner for Rs.57 lakhs, he has been incarcerated since 16.06.2026 and as rightly contented by the learned counsel for the petitioner, the allegation in the FIR is in respect of refund of the amount advanced and for execution of the sale deed, which *prima facie* involves a dispute, which is civil in nature. In such view of the circumstances, having taken into consideration of the period of incarceration of the petitioner since 16.06.2026, this Court is of the firm view that further incarceration of the petitioner is not required for the purpose of investigation. Hence, this Court is



inclined to grant bail to the petitioner, subject to certain conditions.

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8. At this juncture, the learned counsel for the petitioner volunteered himself to deposit a sum of Rs.1 lakhs.

9. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Kallakurichi**, and on further conditions that:

[a] 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;

[b] **The petitioner is ordered to be enlarged on bail on condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.0284/2026 on the file of the respondent police within a period of four weeks from the date of receipt of a copy of this order.**

[c] **On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalised Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Original Petition.**



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[d] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders ;

[e] the petitioner shall not abscond either during investigation or trial;

[f] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

16-07-2026

SHL

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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C.KUMARAPPAN J.

SHL

To:

1. The Judicial Magistrate No.II,
Kallakurichi

2. The Inspector of Police,
District Crime Branch,
Kallakurichi.

3. The District Jail, Villupuram

4. The Public Prosecutor
High Court of Madras

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