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CRL OP No. 18570 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 18570 of 2026

1. S Sundar
2. S Surya

..Petitioner(s)

Vs

State Rep By, The Inspector of Police
T-14, Pallikaranai Police Station,
Chennai-600 042.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest Crime No.288 of 2026 on the file of the respondent police pending investigation and thus render justice.

For Petitioner(s):

Mr.K. Basker

For Respondent(s):

MR.N.PALANIVEL, GOVT.ADVOCATE
(CRL.SIDE)

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Sections 318(4) and 316(2) of the Bharatiya Nyaya Sanhita (BNS), 2023**, in **Crime No.288 of 2026**, on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioners cheated the defacto complainant to the tune of Rs.13.50 lakhs by misrepresenting Government land as their own property. Hence, the case.

3.The learned counsel for the petitioners submits that the first petitioner and the defacto complainant entered into a sale agreement for the subject property, which is valued at Rs.12,65,00,000/-. He further submits that to facilitate the sale, the first petitioner handed over the original title documents to the defacto complainant and received a sum of Rs.13.50 lakhs. Subsequently, when the defacto complainant discovered that the subject land belonged to the Government having been acquired to construct police quarters and the first petitioner informed him that the money would be refunded, and accordingly issued three post-dated cheques. The learned counsel contends that the petitioners have been falsely implicated and that, even assuming the allegations to be true for the sake of argument, the entire transaction is purely civil in nature.

4.The said contentions were strongly opposed by the learned Government Advocate (Criminal Side), who objected to the grant of anticipatory bail. He contended that the petitioners willfully cheated the defacto complainant to the tune of Rs.13.50 lakhs by passing off Government land as their own. He further submitted that unless the petitioners are taken into custodial interrogation, it



would be difficult to recover the money parted with by the defacto complainant.

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5.I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

6.The allegations in the FIR disclose a sale agreement executed between the first petitioner and the defacto complainant. It appears that upon discovering the defective title of the subject land, the defacto complainant requested the petitioners to return the money, and the present complaint was filed following an alleged refusal. A perusal of the allegations in the FIR indicates that the transaction possesses the distinct elements of a civil dispute. In view of the facts and circumstances of the case, the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Alandur, on condition that the petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:



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(a) If the petitioner(s) fails 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;

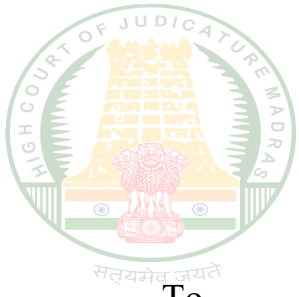
(c) the petitioners shall report before the respondent Police everyday at 10.30.a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) 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(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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- 1.The Inspector of Police
T-14, Pallikaranai Police Station,
Chennai-600 042.
- 2.The Judicial Magistrate Court, Alandur.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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