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CRL OP No. 19556 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 19556 of 2026

Abdul Basidh

No. 25/13, Prakasam Street, Near SKCL, T Nagar,
Chennai 600017

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
J8, Neelankarai Police Station,
Chennai.

No. 25/13, Prakasam Street, Near SKCL, T Nagar,
Chennai 600017
Crime No.283 of 2026

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on anticipatory bail in
the event of apprehending arrest in Crime No.283 of 2026 on the file of the
respondent police.

For Petitioner(s): Mr. J.Azharuddin

For Respondent(s): Mr.R.Rajasekaran,
Govt.Advocate (Crl.Side)
Mr.Mohammed Bashith – Intervenor
Mr.Vadivelu Deenadayalan – Intervenor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offence punishable under Sections 318(4) and 316(2) of BNS in
Crime No.283 of 2026, on the file of the respondent Police, seeks anticipatory
bail.



2. The allegation against this petitioner is that the petitioner had received a sum of Rs.50,00,000/- from the defacto complainant on five occasions to develop his hotel business and thereafter, on repeated demands made by the defacto complainant, the petitioner failed to repay the amount received from him. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has repaid a sum of Rs.7 lakhs to the defacto complainant and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions imposed by this court. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenors submitted that the petitioner along with others, with a malafide intention, received the huge amount of Rs.50,00,000/- from the defacto complainant and defrauded him by not repaying the same to him. He has also given an affidavit of undertaking for a sum of Rs.50,00,000/- He further submitted that he has also cheated a woman to the extent of Rs.10,00,000/- along with her jewellerys and failed to repay the same to her. Thus, he is an habitual offender. He has also given an acknowledgement of total funds received by him. It is seen that instead of utilizing the defacto complainant's money for the purpose for which it was

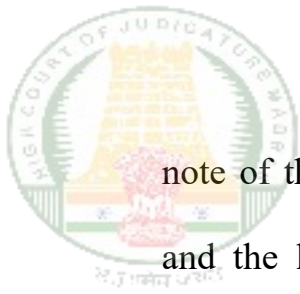


obtained, the petitioner used the funds to repay other creditors who were pressurizing him, clear outstanding liabilities and pay an advance towards another restaurant proposed to be opened at VR Mall. This clearly demonstrates that the money was diverted for purposes entirely different from those represented to the defacto complainant. Consequently, the amount entrusted by the defacto complainant have been dishonestly misappropriated. Thus the defacto complainant have been cheated through deliberate deception, dishonest inducement, criminal breach of trust, misappropriation of entrusted funds, fraudulent misrepresentation. Thus, they vehemently opposed to grant anticipatory bail to the petitioner.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution's case and, upon instructions, submitted that the petitioner is an habitual defrauder. The petitioner received an huge amount of Rs.50,00,000/- from the defacto complainant and failed to repay the same and investigation has not yet completed in this case. Hence, he opposed the grant of anticipatory bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and taking



note of the submission made by the learned Government Advocate (Crl.Side), and the learned counsel for the intervenors, it is seen that according to the prosecution, the petitioner is an habitual defrauder and the alleged transaction involves a substantial amount of more than Rs.50 lakhs. In such view of the serious nature of the allegations, the alleged role played by the petitioner and the fact that the investigation is still pending and if the petitioner is let out on bail, there is possibility of the petitioner indulging in similar nature of offence, this Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, this Criminal Original Petition is dismissed.

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(3/3)

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To

1. The Inspector of Police
J8, Neelankarai Police Station,
Chennai.
No. 25/13, Prakasam Street,
Near SKCL, T Nagar, Chennai 600017

2. The Public Prosecutor
High Court, Madras.



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N.RAMESH, J.

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