

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.21898 of 2026

Jashwa

... Petitioner

Vs.

State, rep by,
The Inspector of Police,
Velachery Police Station,
Adyar, Chennai District.
(Crime No.136 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.136 of 2026 on the file of the respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.N.Palanivel,
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 406 and 420 of IPC in Crime No.136 of 2026 on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant, while searching for a house on lease, was introduced by a broker to the accused, who represented himself as the owner of a house at Velachery and induced him to pay a sum of Rs.5,00,000/- towards lease advance during February and March 2024. However, the accused failed to hand over possession of the premises, refunded only Rs.1,00,000/- and failed to repay the balance amount. It is further alleged that the accused, in collusion with the broker, had similarly cheated several persons by showing the same property. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and vehemently opposed to grant anticipatory bail to the petitioner.

5. I have given my anxious consideration to either side submissions.

6. From the submissions made by the learned counsel appearing on either side, it is seen that the allegation against the petitioner is that he received a lease advance from the de facto complainant. At this juncture, the learned Government Advocate (CrI.Side) would oppose the present anticipatory bail petition on the ground that the petitioner had not only received the amount from the de facto complainant, but had also received similar advances from several others and thereby cheated them to the tune of Rs.34,00,000/-. At this juncture, the learned counsel for the petitioner would submit that, as far as the de facto complainant is concerned, the petitioner has already paid a sum of Rs.1,00,000/- and would fairly submit that he is ready and willing to pay the remaining sum of Rs.4,00,000/- and seeks four weeks' time to repay the said amount. In view of the aforesaid submissions, this Court is of the firm view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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 (15) days from the date on which the order copy is made ready, before the **XVIII**

Metropolitan Magistrate Court at Saidapet, Chennai on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 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 petitioner shall make a non-refundable deposit of Rs. 4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.136 of 2026. On such deposit, the de facto complainant is entitled to receive the same by filing an appropriate application. If the amount is not deposited within a period of four weeks from today, the anticipatory bail granted by this Court shall stand automatically cancelled without any further reference to this Court;

(d) The petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required before the respondent police for interrogation;

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***;

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

07.08.2026

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To

1.The XVIII Metropolitan Magistrate Court at Saidapet, Chennai.

2. The Inspector of Police,
Velachery Police Station,
Adyar, Chennai District.

3.The Public Prosecutor, High Court of Madras.

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C.KUMARAPPAN.J.

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