



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 19406 of 2025

Mythili

Petitioner(s)

Vs

1. The State Rep. by the Inspector of
Police,
Town police station, Erode.

2.S.Ramesh

Respondent(s)

PRAYER This petition is filed under Section 483(3) of BNSS, seeking to cancel the Anticipatory Bail granted to the 2nd respondent/accused in CrI.M.P.No.473 of 2025 dated 19.03.2025 on the file of the honourable Principal District and Sessions Judge, Erode in Crime No.127 of 2025.

For Petitioner(s): Mr.B.Thirumalai

For Respondent(s): Mr.A.Gopinath,
Government Advocate (CrI.Side)
For R1
M/s.A.Kowsalya, for R2



ORDER

This petition has been filed, seeking cancellation of bail by the defacto complainant on the ground that there is a suppression of fact relating to the amount cheated in this case. It is also submitted that the petitioner has not complied with the condition that he shall appear before the respondent police. Hence, this petition has been filed.

2.The learned counsel for the petitioner submitted that in the FIR though it is stated that Rs.39 lakhs has been cheated, additional Rs.10 lakhs has also been paid for real estate project and this Rs.10 lakhs has been suppressed by the 2nd respondent and hence bail was obtained by suppression of fact and the same is a valid ground to cancel the anticipatory bail granted to the 2nd respondent.

3.The learned counsel for the 2nd respondent submitted that the 2nd respondent was regularly complying with the condition by appearing before the respondent police and later, vide order dated 12.06.2025, the condition to appear before the respondent police was totally relaxed. He further submitted that there is no suppression of fact and the 2nd respondent has also appeared during the bail hearing and he was aware about the submissions made before the Court and the Court has also gone into merits of the case and granted the bail and hence, there is no suppression of fact.



4.The learned Government Advocate (Crl.Side) for the respondent police reported that the 2nd respondent has regularly appeared before the respondent police and complied the conditions and subsequently the conditions was relaxed. He further submitted that the investigation in this case is pending.

5.I have gone through the order passed by the learned Sessions Judge and also the FIR. In the FIR, it is revealed that from the year 2022 to 2025 the 2nd respondent herein has collected Rs.35/- lakhs by making false promise and apart from that, separately Rs.10 lakhs was also received from the defacto complainant for the purpose of doing real estate project. In the order passed by the learned Principal Sessions Judge, it is stated that the 2nd respondent has induced the defacto complainant and collected a sum of Rs.33,85,000/- and some of the amount has been repaid and the same was also disputed. By a combined reading of the FIR and the order passed by the learned Sessions Judge would reveal that the defacto complainant is also heard and they have also submitted that only Rs.33 lakhs have been cheated and they have not projected the case as if Rs.49 lakhs have been cheated. Hence I am of the view that there is no suppression of fact and this petition is not having any merits and hence this Criminal Original Petition is dismissed.

19-11-2025

gbi



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To

1.The State Rep. by the Inspector of
Police,
Town police station, Erode.

2.S.Ramesh
S/o.subramanian, 20/7, paari street,
Teachers colony, Erode - 638 011.

3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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