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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.468 of 2026

1.J.Inego Lancy
2.Kiran Harishan

... Petitioners

Versus

The State rep by its,
The Inspector of Police,
District Crime Branch,
Vellore District.
(Crime No.11 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.11 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

For Intervener : Mr.R.Nalliyappan

ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 419, 465, 467, 468, 471 and 420 of IPC, in Crime No.11 of 2025 registered on the file of the respondent police seek anticipatory bail.



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2. The allegation against the petitioner is that the first petitioner approached the defacto complainant with a promise to purchase and sell land from third parties and collected a sum of Rs.1,51,10,000/- from him. However, instead of purchasing the land as promised, the first petitioner entered into an agreement with the third parties by projecting the defacto complainant as one of the proposed purchasers and paid only a portion of the amount as advance towards the sale deed, while the remaining amount was allegedly swindled by the first petitioner. Thereafter, the first petitioner, in collusion with the defacto complainant, filed a civil suit against the third parties for enforcement of the sale agreement. It is further alleged that, after initiation of the said proceedings, the amount paid by the defacto complainant was misappropriated by the petitioners herein. Hence, the present case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that an agreement was entered in the year 2016 between the third parties on one part and the first petitioner and the defacto complainant on the other side. He further submitted that the third parties had come forward to sell their land and that a suit was filed before the Civil Court, which was ultimately dismissed. Only thereafter, the defacto complainant has come forward with the present complaint, alleging that the petitioners herein cheated him to the



tune of Rs.1,51,10,000/-. According to the learned counsel, all the allegations are borne out by the records and no offence of cheating is made out. He further submitted that the second petitioner is the son of the first petitioner and has been unnecessarily arrayed as an accused in the present case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel for the intervener submitted, on instructions, that the first petitioner had acted with mala fide intention to cheat the defacto complainant. He submitted that after collecting the money, instead of registering the land in favour of the defacto complainant and the petitioner, they intentionally entered into, only a sale agreement, that too by showing a small amount as sale consideration, and thereby swindled the remaining money. He further submitted that it is a clear case of cheating and that the first petitioner had also executed a letter admitting her liability and agreeing to repay the amount. However, she has not come forward to repay the same. Hence, he prayed for dismissal of the anticipatory bail petition filed by the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation is still pending. Hence, she opposed the grant of anticipatory bail to the petitioners.

6. Heard the learned counsel for the petitioners, learned counsel for



the intervener as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

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7. This Court, on perusal of the FIR and other connected materials, finds that the agreement of sale was entered into between the petitioner and the defacto complainant on one side and between the petitioner and the third parties on the other side in the year 2006, whereas the alleged payment was made prior to the year 2016. It is also stated that the petitioner has come forward to execute an undertaking to repay the money and all the allegations are borne out by records, and hence, custodial interrogation of the petitioners is not necessary for investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.V, Vellore*, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1.The Judicial Magistrate No.V,
Vellore.

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

3.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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