



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 19.01.2026

CORAM
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No.838 of 2026

Rajeshwaran

..Petitioner

Vs

The State Rep By
The Inspector of Police,
District Crime Branch
Salem, Salem District
Crime No.13 of 2025

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No. 13/2025 pending on the file of the respondent police.

For Petitioner : Mr.P.Soma Sundaram

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)



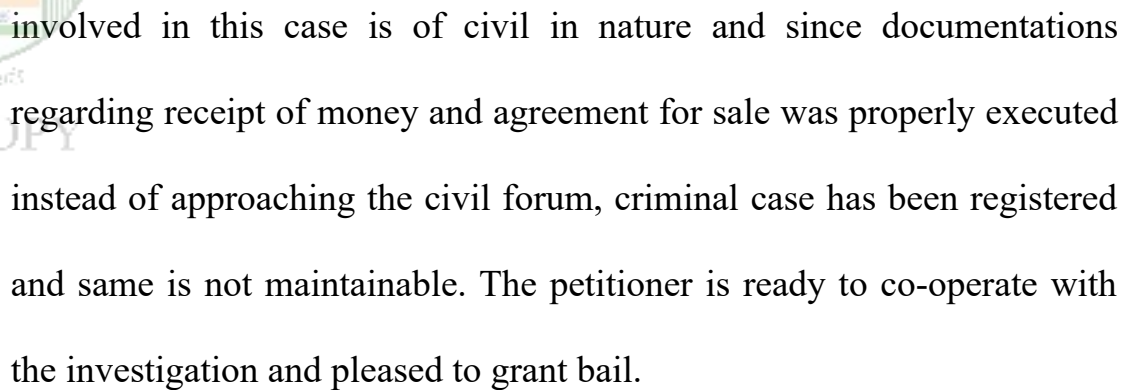
ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 26.11.2025 for the offence under Sections 120B, 406, 417, 420, 468 and 471 of IPC, 1860 corresponding offences under sections 61(2), 316(2), 318(2), 318(4), 336(3) and 340(2) of BNS in Crime No.13 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner herein was doing the real estate business in the name and style of M.G Enterprises and in the year 2024 have collected sum of Rs.4.31 crores from the de facto complainant with the promise of selling the land. Subsequently, they have not come forward to sell the land, thereby the cheated the de fact complaint and the case has been registered.

3. The learned counsel for the petitioner submitted that already settlement reached between the parties in this regard and de facto complainant was also personally appeared before the Sessions Court and reported that they made some negotiations and arrangements have been made between them and post dated cheques were also collected by the de facto complainant. He further submitted on merits that the allegation



4. The learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that it is a case of collecting the money to the extent of Rs.4 crores and failed to return back the lands and the petitioners are arrested and investigation is pending and the petitioner is also having some more cases of similar in nature.

5. I have gone through the records and other connected materials. It reveals that the de facto complainant himself appeared before the Sessions Court concerned and reported that there was negotiation and settlement has been arrived between the parties. However, the learned Sessions Judge dismissed the application on the ground that some more victims are also there and they have not been represented. It was reported by the learned counsel for the petitioner that the defacto complainant is the one who is representing the victims, the same has not been appreciated by the Sessions Court. Apart from that, I have also



gone through the other materials, which reveals that the allegation is based on the agreement for sale entered between the parties. Hence, I am of the view that the further incarceration of the petitioner is not necessary in this case and accordingly granted bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, for a like sum to the satisfaction of the **Judicial Magistrate Court-6, Salem** and on further conditions 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 petitioner shall appear before the respondent police daily at 10:30 a.m., for a period of three weeks and thereafter, on all hearing dates without fail;

[c] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not



WEB COPY

tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall make himself available for interrogation by a Police officer as and when required;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

19.01.2026

Shl



WEB COPY



Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



WEB COPY



K.RAJASEKAR, J.,

shl

To

1.The Judicial Magistrate Court-6,
Salem

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

3.The Superintendent,
Salem Central Prison

4.The Public Prosecutor,
High Court, Madras.

CRL OP No.838 of 2026

19.01.2026