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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP Nos. 1176 & 1177 of 2026

1.Amutha
2.Malarkodi

.. Petitioner/A9 in Crl.O.P.No. 1176/2026
.. Petitioner/A8 in Crl.O.P.No. 1177/2026

Vs

The State rep. by
The Inspector of Police
District Crime Branch
Kancheepuram District
631 501.
Crime No. 15 of 2025.

...Respondent
[in both petitions]

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest pending investigation in Cr.No. 15 of 2025 on the file of the respondent police.

For Petitioners : Mr.P.Manish
For Respondent : Ms.J.R.Archana
Government Advocate (Criminal Side)



COMMON ORDER

The petitioners/A8 & A9 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 read with Section 34 of IPC (now Sections 318(4) and 35 of BNS), in Crime No. 15 of 2025, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that, A1 Perumal along with one Balakrishnan owned a large extent of land in Tiruvannamalai District and they joined hands with other accused developed the lands into approved plots and collected a sum of Rs.1.30 crores from 205 prospective land buyers with the promise of selling the said plots to them; that subsequently, the said Balakrishnan was dead and the portion of the subject property, which belongs to Balakrishnan were devolved to his legal heirs; that thereafter, they colluded with other accused, neither registered the said plots in favour of the prospective buyers nor returned back the money. Hence, a complaint was lodged by the de-facto complainant, who is one of the victim in this case, subsequently, a case was registered and the petitioner herein, who is the son of the said Balakrishnan was arrested.



3. The learned Counsel for the petitioners submitted that already co-accused were granted bail by this Court vide order dated 06.01.2026 in Crl.O.P.No. 34968 of 2025 and the petitioners have not involved in any cheating cases and the property is available for disposal to the victims in this case and considering the facts only, this Court granted anticipatory bail to the arrested accused and the learned Counsel prays for grant of anticipatory bail to the petitioners.

4. I have gone through the bail order granted to the co-accused was passed by this Court in Crl.O.P.No. 34968 of 2025, dated 06.01.2026 on the following reasons:-

6. I have considered the submissions made and perused the materials available on record. Admittedly, the subject land belongs to one Balakrishnan and A1/Perumal, that after the demise of the said Balakrishnan, his share of subject property devolved to his legal heirs, that since there is a civil dispute arouse between the legal heirs of the Balakrishnan and A1/Perumal regarding the partition of the subject property, a suit in O.S.No. 231 of 2023 is pending between them. It is also submitted that the subject property are still available for the disposal to the parties and the same is also the subject matter in the aforesaid civil suit.



The reasons stated above for granting bail to co-accused, is applicable to the petitioner herein. Hence, I am of the view that the custodial interrogation of the petitioners is not necessary for the purpose of investigating in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Principal District and Sessions Judge, Kanchipuram**, on condition that the petitioners 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 condition that:

(a) If the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen 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 the identity proofs to ensure their



identity;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

[d] 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]**;

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

21.01.2026

MSM

To

1.The Principal District and Sessions Judge, Kanchipuram.

2.TThe Inspector of Police

District Crime Branch

Kancheepuram District-631 501.

Crime No. 15 of 2025.

3. The Public Prosecutor, High Court of Madras.



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K.RAJASEKAR, J.

MSM

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