



WEB COPY

CRL OP No. 1901 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 1901 of 2026

Kumaresan

..Petitioner(s)

Vs

The State Rep by its, The Inspector of police,
Melmaruvathur police station, Chengalpattu
District. (Crime No. 308/2024)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of BNSS Act, 2023, praying to enlarge the Petitioner on bail in the event of his arrest by the Respondent Police pending investigation in Crime No.308 of 2024 on the file of the Respondent Police.

For Petitioner(s): Mr.D.Padmanabhan

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

ORDER

The petitioner apprehends arrest for the alleged offences **under Sections 318(4) of BNS, 2023, in Crime No.308 of 2024**, on the file of the respondent police seeks anticipatory bail.



2.The allegation against the petitioner is that the petitioner is one of the team members running the Franchiese Briyani shop under a brand name, and that they approached the defacto complainant and induced him to open a new Briyani shop. Accordingly, they also collected a sum of Rs.6,18,000/-. Subsequently, after collecting the money, they failed to honour the commitment and cheated the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is ranked as A3, and the majority of the allegations are only against A1, with the money also deposited only into A1's bank account. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution and submitted that the co-accused/A1 has been arrested and also released on bail and the money is yet to be recovered.

5.Considering the submissions made on both sides and the majority of the allegations are only against A1 and he has already been enlarged on bail, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. 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 made ready, before the **learned Judicial Magistrate No-II, Madhurathagam, Chengalpattu District**, 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 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) 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]*;

(e) If the petitioner thereafter absconds, a fresh FIR can be registered



under Section 269 of BNS Act.

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To

- 1.The State Rep by its, The Inspector of police,
Melmaruvathur police station,
Chengalpattu District.
(Crime No. 308/2024)
- 2.The Judicial Magistrate No.II, Madhurathagam, Chengalpattu District.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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