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Crl.O.P.No.4495 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.4495 of 2026

1. Babu
2. Kala

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
K.6, T.P.Chatram Police Station,
Chennai District.
(Crime No.225 of 2025)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of their arrest in connection with Crime No.225 of 2025 on the file of respondent.

For Petitioners : Mr.S.Krishnamoorthy

For Respondent : Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 318(4) and 316(2) of BNS, 2023 in Crime No.225 of 2025 on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that, believing the words of the accused, the de facto complainant had pledged his wife's property to the accused persons in order to obtain a hand loan. As only a part amount had been given, the de facto complainant demanded the original title deed which was given to the petitioners and others, however, the accused refused to return the original title deeds. Hence the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the de facto complainant. He further submits that the petitioners have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the defacto complainant on the promise made by the accused had obtained a sum of Rs.4,00,000/- by depositing his wife's title deed, whereas, what was given is only Rs.90,000/-. He further submits that now that the title deed which was pledged by the de facto complainant is in the custody of Police.



5. From the submissions made by the learned Government Advocate (Crl.Side), it is seen that an offence of cheating had arisen on account of a loan transaction. Considering the facts and circumstances of the case, this Court is of the view that no custodial interrogation is necessary in the case in hand. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned V Metropolitan Magistrate Court, Egmore, Chennai**, on condition that **the petitioners shall execute a bond for a sum of Rs.20,000/- each (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 petitioners fail to surrender before the concerned learned 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;



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(c) The petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of four 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

- 1.The V Metropolitan Magistrate Court, Egmore, Chennai.
- 2.The The Inspector of Police,
K.6, T.P.Chatram Police Station,
Chennai District.
- 3.The Public Prosecutor, High Court of Madras.

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