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Crl.O.P.No.3831 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.3831 of 2026

Mohammed Arif Zain

... Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
T1 Tambaram Police Station,
Tambaram, Chennai – 600 045.
Crime No.33 of 2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail
in the event of his arrest in Crime No.33 of 2026 on the file of the respondent
police.

For Petitioner	:	Mr.N.S.Sugandhan for Mr.E.Tharu Roshan
For Respondent	:	Ms.J.R.Archana Government Advocate (Crl. Side)
For Intervenor	:	Mr.D.Magesh



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ORDER

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The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) of IPC in Crime No.33 of 2026, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner herein by making the promise of running interior decoration business, induced the defacto complainant to pay a sum of Rs.15 lakhs on various date and subsequently, it revealed that the petitioner had siphoned off the money. Hence, the case has been registered.

3. The learned counsel for the petitioner submitted that as early as 2025 itself, CSR enquiry was conducted and the petitioner was forced to sign the memorandum of understanding and also collected cheques. He further submitted that the petitioner also lodged a complaint before the Human Rights Commission and enquiry was also completed in this regard. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned counsel for the intervenor submitted that, defacto complainant lodged a complaint during the month of January 2025 and during the enquiry, petitioner has come forward to settle the money and thereafter, he has lodged a false complaint as if he has threatened him. He further submitted that the FIR as been registered recently and if the petitioner is granted anticipatory bail, he will indulge in similar offence

5. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that so far no money is recovered and the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegations and the documents produced before this Court shows that already enquiry in this regard has been conducted and the fact that there are various documents executed between parties, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate**



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No.1, Tambaram 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 condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten 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 petitioner shall report before the respondent police daily at 10.30.a.m., for a period of one week 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**



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Kerala [(2005)13 SCC 283];

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

17.02.2026

sma

To

1. Judicial Magistrate No.I, Tambaram

2.The Inspector of Police,
T1 Tambaram Police Station,
Tambaram, Chennai – 600 045.

3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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