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CRL OP No. 7435 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7435 of 2026

and

CRL MP No. 6415 of 2026

1. Murugendran P
2. Vimala Murugendran
3. Venkatachalam
4. S.Kandasamy

..Petitioners

Vs

The state rep.by,
The Inspector of Police
DCB Police Station,
Salem district.
Cr.No.0004 of 2026.

..Respondent

Prayer: Criminal Original Petition filed under section 482 of BNSS to grant anticipatory bail to the petitioners / accused Nos. 1 to 4 in the event of their arrest in Cr.No.0004 of 2026 on the file of the respondent police.

For Petitioners: Mr.K.R.Samratt

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

For Intervenor: Mr.C.Munusamy



ORDER

The petitioners apprehends arrest for the alleged offences under Sections 120B, 294(b), 406, 420 and 506(1) of IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.0004 of 2026 on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant borrowed a sum of Rs.3,20,00,000/- and executed a mortgage deed of his property of an extent of 5.34 acres. When the de facto complainant approached the petitioners to repay the loan amount, the petitioner demanded 36% interest per annum and abused him in filthy language and threatened with dire consequences. Hence, the present case.

3. According to the prosecution, the de facto complainant has not executed any sale deed, and what was executed is only a mortgage deed and by mortgaging the subject land, he has received Rs.3.2 crores and he has been ready and willing to repay the amount along with interest totalling to the tune of amount of 3.75 crores. But, the petitioner demanded huge amount with exorbitant interest in sum of Rs.16 crores.

4. The learned counsel for the petitioner submitted that the present FIR



has been registered against the petitioners on 27.02.2026 and the 1st and 2nd petitioners are the husband and wife, 3rd petitioner is the father-in-law and the 4th petitioner is the relative of the 1st petitioner. He further submitted that the de facto complainant has sold his property of an extent of 5.34 acres to the 2nd petitioner herein on 26.10.2023 under the registered sale deed No.4463 of 2023.

5. At this juncture, the learned counsel for the petitioner submitted that they have given loan to the de facto complainant in sum of Rs.1.25 crores in the month of August 2025 and when they have demanded the said amount from the de facto complainant, the instant complaint has been registered.

6. At this juncture, Mr.Munusamy ,the learned counsel for the Intervenor vehemently contended that the *modes operandi* of this petitioner is to induce gullible land owners for offering money as loan for a meagre interest and by such inducement, he get sale deed illegally instead of mortgage deed. The worth of the subject land qua 5.34 acres is Rs.100 crores, whereas the petitioner has only paid Rs.3.2 crores as loan to the de facto complainant. It is the further submission of the Intervenor that there are numerous complaint against these petitioners. A FIR has been registered in Crime No.55 of 2026 in Sankagiri Police Station.

7. The said contention has been reiterated by the learned Government



Advocate (Crl.Side) and he strongly opposed for grant of anticipatory bail to the petitioners.

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8. I have given anxious consideration to the submissions made by the learned counsel on either side.

9. Considering the submissions with regard to the previous case in Crime No.55 of 2026, the learned counsel for the petitioner has filed a report where the complaint against the petitioners was closed as mistake of fact. Therefore, the contention of the learned counsel for the Intervenor that the petitioner has previous case has no force. Coming to the fulcrum of issue, it is only a case of cheating. According to prosecution, instead of getting mortgage deed, the 2nd petitioner has got sale deed. To investigate such things, this Court is of a firm view that custodial interrogation of the petitioner is not required. Hence, taking into consideration of the totality of the circumstances and upon the fact that the 3rd and 4th petitioners are aged and the 2nd petitioner being a woman, and in view of the civil nature of litigation, this Court is inclined to enlarge the petitioners on anticipatory bail subject to certain conditions.

10. 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 is made ready, before the **learned Judicial**



Magistrate No.6, Salem, on condition that the petitioners shall execute a separate 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 petitioners fails 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;

(c) The petitioners 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 Judicial Magistrate No.6, Salem

2. The Inspector of Police
DCB Police Station,
Salem district.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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