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CRL OP No. 7642 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7642 of 2026

Babu
S/o Ayyadurai,
Thangavel Nagar,
No.464, Serandhangal Village,
Keelavanakkambadi Post, Thandarampattu Taluk,
Tiruvannamalai District.

..Petitioner(s)

Vs

The State Rep.by,
The Special Sub Inspector of Police,
District Crime Branch,
Tiruvannamalai District,
(Crime No. 1 of 2026)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No. 1 of 2026 pending investigation on the file of respondent Police.

For Petitioner(s): Mr R Thirumoorthy

For Respondent(s): MR.P.DHILEEPAN GOVT.ADVOCATE (CRL SIDE)

FOR INTERVENOR MR.S.SILAMBUSELVAN

ORDER

The petitioner apprehends arrest for the alleged offence under Section 420 of IPC, in Crime No.1 of 2026 on the file of the respondent police seeks anticipatory bail.



2The allegation against the petitioner is that, in 2019, he along with his father received Rs.52 lakhs for construction of a house, but neither carried out the construction nor repaid the amount. Hence, a case has been registered under Section 420 IPC.

3. The learned counsel for the petitioner submitted that there are two accused in the case, namely father and son. The petitioner is the son (A2), and A1 has already been arrested and remanded to judicial custody. Hence, he seeks anticipatory bail.

4. The learned counsel for the intervener, referring to various agreements between the petitioner and the defacto complainant, submitted that it is clear the petitioner had an intention to cheat from the beginning, as his main business is not construction but running a supermarket. It is alleged that, by deceiving the complainant, he received Rs.52 lakhs. It is further submitted that if the petitioner is granted bail, it would be difficult to trace the layering of the said amount.

5 The learned Government Advocate (Crl.side) appearing for the respondent police reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.



6. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

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7. Admittedly in the present case, A1 has already been remanded to judicial custody, and as per the prosecution, the agreement between the parties was entered into on 07.02.2019. A perusal of the FIR shows that the petitioner initially paid Rs.2 lakhs as advance and thereafter received Rs.50 lakhs for construction, but failed to refund the amount despite demand.

8. While looking into the factual position, the alleged occurrence took place during the year 2019 and the FIR came to be registered only during April 2025, this Court is of the firm view, at this length of time, custodial interrogation of the petitioner is not required. Hence, **this Court is inclined to enlarge the petitioner on anticipatory bail**, subject to certain conditions.

9. 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 Court No.I, Tiruvannamalai 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 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 petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m for a period of 30 days 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.



To

- 1.The Judicial Magistrate Court No.I,
Tiruvannamalai.
- 2.The Public Prosecutor,
High Court, Madras.
3. The Special Sub Inspector of Police,
District Crime Branch,
Tiruvannamalai District,
(Crime No. 1 of 2026)



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C.KUMARAPPAN, J.

DRL

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(2/2)**

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