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CRL OP No.7611 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 7611 of 2026

K.Shiva Shankar @ Shivashankaran
S/o. Kaliaperumal,
No.107, Ganapathy Nagar,
3rd Cross Street,
Urapakkam,
Chennai - 603 210.

..Petitioner/Sole
Accused

Vs

State by,
The Inspector of Police,
T-8, Guduvanchery Police Station,
Tambaram District.
Cr.No.50 of 2026.

...Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of his arrest in Cr.No.50 of 2026 on the file of the Respondent Police.

For Petitioner: Mr.V.I.Prashanth

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

ORDER

The petitioner/sole accused, who apprehends arrest for the alleged offences under Sections 294(b), 406, 420 & 506(i) of the IPC in Crime No.50 of 2026, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner had borrowed a sum of Rs.1,00,00,000/- (Rupees One Crore Only) from the *de-facto* complainant. On demanding the same by the *de-facto* complainant, the petitioner issued a cheque dated 24.08.2021 in favour of the *de-facto* complainant, and while the same was presented before the bank, it was returned as “Stop Payment.” Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the *de-facto* complainant and he has been falsely implicated in this case. He also submitted that the entire issue between the petitioner and the respondent is in respect of a land dispute. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and the petitioner is ready to cooperate for the investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution's case and submitted that the occurrence took place in the year of 2021 and the FIR was registered on 23.02.2026; and that the petitioner has been charged for misappropriation of



Rs.1,00,00,000/- (Rupees One Crore Only). Hence, he strongly opposed to grant anticipatory bail to the petitioner.

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5. Heard the submission made by the learned counsel on either side and perused the materials available on record.

6. The learned counsel for the petitioner would submit that the entire issue between the petitioner and the respondent is in respect of a land dispute. According to the prosecution, the petitioner has dishonoured the cheque issued to the *de-facto* complainant and that the occurrence took place in the year of 2021 and the FIR was registered on 23.02.2026. Taking into consideration of the above factual position and upon the fact that the occurrence took place in the year of 2021 and the issue is in respect of dishonour of a cheque, at this length of time, no custodial interrogation of the petitioner is required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 – II, Chengalpattu**, 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:

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(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, twice a day at 10.30 a.m., and 5.30 p.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 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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26-03-2026



To

1. The Judicial Magistrate – II,
Chengalpattu.
2. The Inspector of Police,
T8, Guduvanchery Police Station,
Tambaram District.
3. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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