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Crl.O.P.No.8250 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.8250 of 2026

Syed Kamal Basha,
S/o.Ghulam Dastagir

... Petitioner

Vs.

State represented by
The Inspector of Police,
T 15 Kannagi Nagar Police Station,
Chennai – 600 097.
Crime No.42/2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of his arrest in crime No.42 of 2026 pending investigation on the file of the respondent.

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

ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2) and 318(4) of BNSS, 2023 in Crime No.42/2026, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner borrowed a loan from the de-facto complainant and he paid interest till April, 2025 and thereafter, he failed to pay the interest as well as the principal amount. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the matter appears to be civil in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the allegation against the petitioner and taking note of the fact that the issue appears to be civil in nature and that the FIR was registered on 03.03.2026 for the loan amount allegedly given in the year 2024, this Court is of the view that, in cases of this nature, custodial interrogation is not warranted. Hence, this Court is inclined to grant anticipatory bail to the



petitioner, subject to certain conditions.

6. 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 Courts, Sholinganallur**, 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, everyday at 10.30 a.m. for a period of two weeks;

(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



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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.

02.04.2026

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To

- 1.The Judicial Magistrate Courts, Sholinganallur.
- 2.The Inspector of Police, T 15 Kannagi Nagar Police Station, Chennai – 600 097.
- 3.The Public Prosecutor, High Court of Madras.

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