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Crl.O.P.No.9617 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.9617 of 2026

K.Azhagesh

... Petitioner

Vs.

State represented by
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
Crime No.127 of 2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in the above Cr.No.127 of 2026 on the file of the respondent.

For Petitioner : Mr.D.Babu Varadharajan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 296(b), 318(4), 316(2), 351(2) of BNS, in Crime No.127 of 2026 on the file of the respondent police seeks anticipatory bail.



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2. According to the prosecution case, the defacto complainant is working as Health Inspector at Government Hospital, Cuddalore. It is alleged that the petitioner borrowed a sum of Rs.5,00,000/- from the defacto complainant and at the time of borrowing, the petitioner handed over his Adhar card, PAN card, Bank pass book and ATM card. On 31.07.2025, through ATM card, the defacto complainant had drawn Rs.43,000/- and took Rs.23,000/- and gave the remaining Rs.20,000/- to the petitioner. The next month, the petitioner withdrew his entire salary through G-pay and phone-pay. On coming to know the said fact, the defacto complainant approached the petitioner. On 17.09.2025, he promised to repay the full amount including the principal interest totaling Rs.5,37,000/-. On 30.09.2025, the defacto complainant took the ATM card to verify the account status and discovered that the petitioner had blocked the card. Thus, the petitioner had cheated the defacto complainant to the tune of Rs.5,00,000/-. Hence, the case.

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 the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.



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

5. Taking into consideration the totality of the circumstances and upon the fact that it is a case of money transaction, this Court of the firm view that the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

8.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.II, Kallakurichi** on condition that **the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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;



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(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., for a period of two weeks and thereafter as and when required;

(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.

17.04.2026

sma

To

1. Judicial Magistrate No.II, Kallakurichi

2.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN.J.

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