



WEB COPY

CRL OP No. 10163 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 10163 of 2026

CrI.M.P.No.7241 of 2026

S. Santhosh

..Petitioner(s)

Vs

1. Somasundram
2. The State Rep.by,
The Inspector of Police,
City Crime Branch-I Police Station,
Coimbatore City.
Cr.No.44 of 2024.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, pleaded to call for the records relating in C.M.P.No.2086 of 2026 on the file of the Judicial Magistrate No.VII, Coimbatore and set aside the same.

For Petitioner(s):

Mr.I Abrar Mohamed Abdullah

For Respondent(s):

Mr.G.Nivendran for K.Prabhakaran for R1

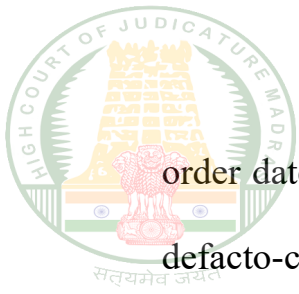
Mr.N.Palanivel

Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to set aside the order dated 30.03.2026 passed by the learned Judicial Magistrate No.VII, Coimbatore, in C.M.P.No.2086 of 2026.

2.The learned counsel for the petitioner submitted that when the petitioner was produced for remand on 20.02.2024, the Court rejected the remand vide its

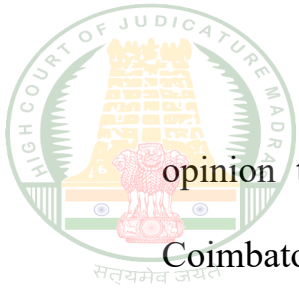


order dated 20.02.2024, acting upon a settlement between the first respondent / defacto-complainant and the petitioner / accused. Thereafter, the first respondent has filed an application for cancellation of bail in C.M.P.No.2086 of 2026 which was allowed on 30.03.2026, on the ground that the petitioner had allegedly failed to comply with the undertaking given at the time of remand.

3.Mr.G.Nivendran, the learned counsel for the first respondent submitted that the petitioner was enlarged on bail based on an undertaking affidavit executed on a Rs.100 stamp paper to settle an amount of ₹10,86,00,000/- within ten days. However, the petitioner has failed to pay any amount to the first respondent. Hence, the order passed by the lower Court is in accordance with law.

4. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

5.At this juncture, the learned counsel for the petitioner relied upon the mortgage deed dated 21.02.2025 in Document No.3866 of 2025 and would contend that the mortgage deed was executed by the petitioner along with one Kannan Devi in favour of Somasundram solely in lieu of a refund of ₹14,25,00,000/-. A perusal of the deed reveals that the mortgage amount is indeed ₹14,25,00,000/-. In view of this position, this Court is of the firm



opinion that the order passed by the learned Judicial Magistrate No. VII, Coimbatore, warrants interference. Hence, the order dated 30.03.2026 passed by the learned Judicial Magistrate No. VII, Coimbatore, in C.M.P. No. 2086 of 2026 is hereby set aside.

6. Accordingly, this Criminal Original petition is allowed. Consequently, connected Miscellaneous Petition stands closed.

22-06-2026

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To:-

1. The Judicial Magistrate No.VII, Coimbatore.
2. The Inspector of Police,
City Crime Branch-I Police Station,
Coimbatore City.
3. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

EP

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