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Crl.O.P.No.10691 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.10691 of 2026

1. Parthiban Ramakrishnan
2. Gokulakrishnan Ramakrishnan

... Petitioners

Vs.

The State Represented by the
Inspector of Police,
Chennai CCB-I,
Cr.No.103 of 2025
Chennai City

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to grant anticipatory bail to these petitioners in the event of their arrest or in connection with the case in Crime No.103 of 2025 pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Raghavachari,
Senior Counsel
for Mr.Yatheesh Chandra

For Respondent : Mr.N.Palanivel
Government Advocate (Crl.Side)

For Intervener : Mr.D.Ferdinand
for M/s.BFS Legal



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468, 471, 506(i) and 120-B of I.P.C., 1860 in Crime No.103 of 2025, on the file of the respondent police, seek anticipatory bail.

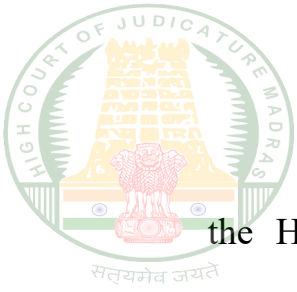
2. The case of the prosecution is that the complaint got Introduced with the petitioners in the year 2022, and they came to know that the petitioners are carrying Cashew nut export business in the name and style as 'M/s.GKL Food Products Pvt. Ltd ' and that the petitioners had approached the de-facto complainant and requested to render financial assistance to their company which had received a bulk export orders. The complainant had advanced loan amount of Rs.21,30,000/- to the 1st petitioner's company M/s. GKL Food Products Pvt. Ltd from the year 2022 to 2024. Further, the complainant had allegedly transferred Rs.4,76,32,750/- to the 2nd petitioner's company M/s. GKL Constructions from the year 2023 to 2024, and again the complainant had advanced a sum of 1,80,00,000/- from 19.11.2024 to 23.11.2024 to the 1st petitioner for his business. After receiving a sum of Rs.4,76,32,750/- they have allegedly created 100 false invoices and bills as if the Furnitures were supplied to the company, and/18% GST was charged for the invoice bills and no

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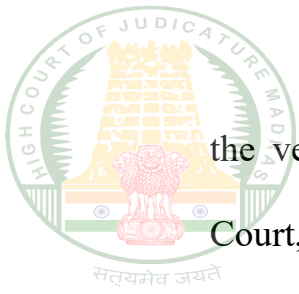
delivery challan was supplied for the goods sent by the petitioners. Further the petitioners failed to repay the amount as per agreement and defrauded the complainant. Further acting contrary to the oral agreement, the petitioners have allegedly sent their money to their friend's company M/s. BLR Billionaire Indian P Ltd. Hence, the case.

3. The learned Senior Counsel appearing for the petitioners would contend that, even according to the allegations in the First Information Report, the occurrence is stated to have taken place during the period between 13.09.2022 and 23.11.2024, whereas the First Information Report came to be registered only on 09.06.2025. According to the learned Senior Counsel, the averments in the FIR would disclose that the de-facto complainant had advanced a sum of Rs.21.30 Crores as a loan, with an understanding that profits would be shared. Out of the said amount, a sum of Rs.1.30 Crores alone is stated to have been repaid. Though interest was initially paid, the same was subsequently discontinued. Therefore, according to the learned Senior Counsel, the dispute is purely civil in nature and the criminal machinery has been set in motion contrary to the ratio laid down by the Hon'ble Supreme Court in ***Shailesh Kumar Singh @ Shailesh R. Singh Vs. State of Uttar Pradesh and Others***, reported in ***2025 INSC 869***.



3.1. The learned Senior Counsel further relied upon the order passed by the High Court of Karnataka in ***Parthiban Ramakrishnan Vs. State of Karnataka***, reported in ***NC:2025:KHC:46855***, whereby the search warrant issued by the learned Metropolitan Magistrate for CCB Cases, Chennai, on 14.11.2025, was set aside. Reliance was also placed on the leave granted by this Court to institute a civil suit for recovery of the amount and the summons issued by the District Legal Services Authority, Bengaluru, for pre-institution mediation. On the strength of the above materials, it was contended that the transaction is purely a loan transaction and that civil remedies have already been invoked. Hence, according to the learned Senior Counsel, custodial interrogation of the petitioners is not required.

4. The said contention was stoutly opposed by the learned counsel appearing for the Intervener and would submit that all the aforesaid contentions had already been considered by this Court while dismissing the earlier anticipatory bail petition in Crl.O.P.No.18967 of 2025 by order dated 11.09.2025, which order was subsequently confirmed by the Hon'ble Supreme Court on 18.11.2025. Therefore, in the absence of any substantial change in circumstances, the very same grounds cannot be reagitated. He would further contend that, though the principle of res judicata may not strictly apply to criminal proceedings, judicial discipline requires this Court not to reconsider



the very same issues, that too, after the rejection by the Hon'ble Supreme Court, in the absence of any material change in circumstances.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and vehemently opposed the grant of anticipatory bail to the petitioners.

6. At this juncture, by way of reply, the learned Senior Counsel for the petitioners would submit that there has been a substantial change in circumstances, inasmuch as summons had been issued by the District Legal Services Authority for pre-institution mediation on 11.06.2025, and the search warrant issued by the learned Metropolitan Magistrate for CCB Cases, Chennai, had subsequently been set aside by the High Court of Karnataka in ***Parthiban Ramakrishnan's case*** (cited supra). It was further submitted that the complaint lodged by an employee of the petitioners seeking share and salary had also been quashed by this Court by order dated 22.04.2025 in Crl.O.P.No.7520 of 2025. According to the learned Senior Counsel, these aspects were not brought to the notice of the Court while the earlier anticipatory bail petition was considered and, therefore, the present petition is maintainable.

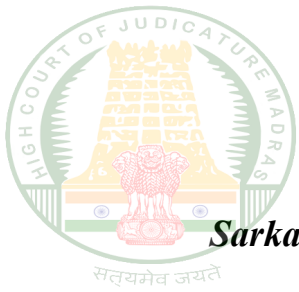


7. I have given my anxious consideration to either side submissions.

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8. Before we delve into the material facts, this Court deems it appropriate to consider the preliminary issue as to whether the present anticipatory bail petition be considered in the backdrop of the dismissal of the earlier petition, which order was later affirmed by the Hon'ble Supreme Court on 18.11.2025.

9. It is an admitted fact that this Court dismissed the earlier anticipatory bail petition in Crl.O.P.No.18967 of 2025 by order dated 11.09.2025. Challenging the same, the petitioners preferred SLP (Crl.) No.17921 of 2025, which also came to be dismissed by the Hon'ble Supreme Court on 18.11.2025. The learned Senior Counsel for the petitioners relied upon the decisions in ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav***, reported in ***(2005) 2 SCC 42***, ***Mohseen Vs. State of Uttar Pradesh***, reported in ***2026 SCC OnLine SC 919***, ***Radhakrishnan Alias R.K. Vs. State and Another***, reported in ***2003 SCC OnLine Mad 926***, ***Senthil Vs. Inspector of Police***, reported in ***2011 (1) MWN (Cr.) 445***, and ***Durai Vs. Inspector of Police***, reported in ***2012 SCC OnLine Mad 5447***, in support of his contention and would submit that the present petition is maintainable.



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10. However, a careful reading of the judgment in ***Kalyan Chandra Sarkar's case*** (cited supra) would reveal that though the principle of res judicata is not strictly applicable in criminal proceedings, still the Courts are bound by doctrine of judicial discipline, having regard to the hierarchical system prevailing in the Country. The only recognized exception is where there is a substantial change in circumstances.

11. The learned counsel for the Intervener relied upon the following judgments:-

(i) ***G.R. Ananda Babu Vs. State of Tamil Nadu***, reported in (2021) 16 SCC 725;

(ii) ***Sudip Sen Vs. State of West Bengal***, reported in 2010 SCC OnLine Cal 2147;

(iii) ***In Re: Ekkari Ghosh @ Jitendra Vs. State***, reported in 1994 SCC OnLine Cal 151; and

(iv) ***Ganesh Raj Vs. State of Rajasthan and Others***, reported in 2005 SCC OnLine Raj 319.

12. The ratio laid down in the aforesaid decisions is that a second anticipatory bail petition can be entertained only upon a substantial and genuine change in circumstances and not on fanciful or superficial grounds. The question that therefore arises is whether any such substantial change in circumstances has occurred in the present case.



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13. The learned Senior Counsel primarily relies upon the contents of the FIR and the subsequent developments referred to above. No doubt, the FIR refers to a loan transaction. However, while dismissing the earlier anticipatory bail petition on 11.09.2025, this Court had taken note not merely of the FIR allegations but also of the materials collected during investigation, including allegations relating to fabrication of invoices and fraudulent documents and their utilisation by the petitioners. It was on that basis that this Court had held that custodial interrogation of the petitioners was necessary. The said finding has attained finality upon affirmation by the Hon'ble Supreme Court.

14. As rightly contended by the learned counsel for the Intervener, unless there is a substantial change in circumstances subsequent to the dismissal of the Special Leave Petition, a second anticipatory bail petition cannot be entertained. Even assuming that the summons issued for pre-institution mediation and the setting aside of the search warrant constitute subsequent developments, this Court is unable to hold that they amount to a substantial change in circumstances so as to dilute the findings already rendered with regard to the criminality alleged against the petitioners. The pre-institution mediation proceedings and the leave granted to institute a civil suit



do not efface the allegations of fabrication and fraudulent conduct noticed during investigation.

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15. In such view of the matter, this Court is of the firm view that, in the absence of any substantial change in circumstances subsequent to the dismissal of the Special Leave Petition by the Hon'ble Supreme Court on 18.11.2025, no ground has been made out to revisit the earlier order of dismissal.

16. Accordingly, this Criminal Original Petition stands dismissed.

24.06.2026

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To

1. The Inspector of Police,
Chennai CCB-I,
Chennai City.

2. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

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