



WEB COPY

Crl.O.P.No.12232 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.12232 of 2026

P.Sivakumar

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
CCB-Coimbatore City Police Station,
Coimbatore.
(Crime No.7 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.7 of 2026 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.R.Elango
for Mr.Nelson Britto

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

For Intervener : Mr.R.Prabakar

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 318(4), 61(2)(a), 296(b) and 351(3) of BNS in Crime No.7 of 2026, on the file of the respondent police seeks anticipatory bail.

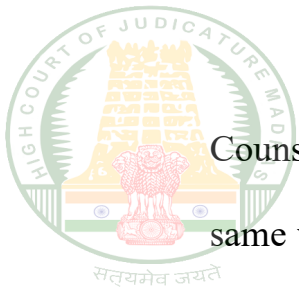


WEB COPY

2. The case of the prosecution is that the petitioner along with other accused themselves as being engaged in the business of exporting flowers and vegetables to foreign countries and under the guise of expanding the business and inducting the de-facto complainant as a partner, induced the de facto complainant to invest nearly Rs.7 Crores through bank transactions. Hence, the case.

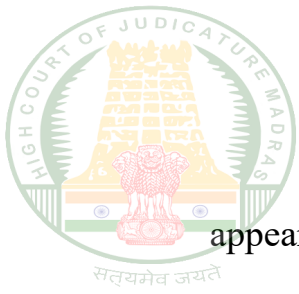
3. The learned Senior Counsel appearing for the petitioner submitted that there was a business transaction between the de facto complainant and the petitioner. According to the prosecution, the de facto complainant had invested a sum of Rs.7,30,00,000/-, out of which the petitioner had repaid a sum of Rs.1.45 Crores. It is the specific submission of the learned Senior Counsel that the entire transaction is civil in nature and that the present complaint has been lodged solely on the ground that the petitioner had failed to share the profits with the de facto complainant.

3.1. The learned Senior Counsel further submitted that the petitioner had earlier borrowed a sum of Rs.10.98 Crores from the father of the de facto complainant during the years 2023–2024 and that the said amount had subsequently been repaid in full. Therefore, according to the learned Senior



Counsel, even assuming that there was a transaction between the parties, the same would only amount to a commercial transaction and cannot be construed as an act of cheating. It was further contended that the necessary ingredients to attract criminal liability are absent and, therefore, the matter does not warrant invocation of criminal jurisdiction. The learned Senior Counsel further submitted that the FIR came to be registered only on account of the excesses committed by the Assistant Commissioner of Police, against whom a complaint has already been lodged before the Directorate of Vigilance and Anti-Corruption.

3.2. The learned Senior Counsel further submitted that the petitioner was compelled by the police to enter into an agreement dated 28.03.2026. He would further contend that there was no possibility of the petitioner executing the Memorandum of Understanding dated 19.11.2024, since he had been admitted to the hospital owing to his ailment during the relevant period. The learned Senior Counsel also contended that though the earlier anticipatory bail application in Crl.O.P.No.9308 of 2026 was dismissed on 30.04.2026, taking note of the pendency of the previous cases, the said cases have since been settled. Therefore, the same cannot be put against the petitioner for denying anticipatory bail in the present case. Hence, he prayed for grant of anticipatory bail.



4. The said submission was stoutly opposed by the learned counsel appearing for the intervener and would submit that the petitioner is involved in three previous cases in Crime Nos.5, 6 and 9 of 2025, and the said fact had already been taken into consideration by this Court while dismissing the earlier anticipatory bail application. Therefore, the filing of the present application within a short span of time is nothing but an attempt to reduce the legal process into a gamble and amounts to abuse of the process of Court. The learned counsel further contended that the petitioner appears to be a habitual offender and that the intention to cheat existed from the very inception of the transaction, as evident from his antecedents and previous conduct. Hence, he strongly opposed the grant of anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police, reiterated the prosecution case and submitted that the petitioner is involved in three previous criminal cases. Hence, he opposed the grant of anticipatory bail.

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



7. Insofar as the earlier anticipatory bail application in Crl.O.P.No.9308 of 2026 is concerned, this Court finds that the same was dismissed on the ground that the petitioner was involved in three previous cases of a similar nature. In the present case, according to the prosecution, the petitioner had received a sum of Rs.7.30 Crores from the de facto complainant, out of which a sum of Rs.1.45 Crores had been repaid. The prosecution case is that the said amount was received from the de facto complainant on the representation that it would be invested in the business carried on by the petitioner. At this juncture, it is relevant to note that Crime Nos.5, 6 and 9 of 2025 are pending on the file of the Inspector of Police, Central Crime Branch, Coimbatore. The amount involved in Crime No.5 of 2025 is Rs.1,46,25,000/-, in Crime No.6 of 2025 it is Rs.2.41 Crores, and in Crime No.9 of 2025 it is Rs.6.55 Crores.

8. A perusal of the First Information Reports in the aforesaid cases reveals that the petitioner had allegedly received money from various persons under the guise of investment in the very same business in which the de facto complainant had invested. Even in Crime No.5 of 2025, there is a specific allegation that the petitioner had received a sum of Rs.3 Crores from several other persons on similar representations.



9. At this juncture, it is necessary to consider the submissions advanced by the learned Senior Counsel for the petitioner, who placed reliance upon the Memorandum of Understanding dated 30.07.2025 and the affidavit of one Gopalakrishnan dated 23.05.2025 to contend that the earlier cases have been settled. Though such a contention is now raised, the fact remains that the petitioner is involved in three previous cases of a similar nature. Therefore, the findings rendered by this Court in the earlier order dated 30.04.2026 passed in Crl.O.P.No.9308 of 2026 cannot be found fault with. The said order was passed based on the materials then available on record and there are no fresh circumstances warranting a different view in the present application.

10. From a perusal of the previous FIRs, this Court is able to discern a pattern in the conduct of the petitioner. The amount involved in the present case is nearly Rs.7 Crores. Therefore, the submission of the learned Government Advocate (Criminal Side) that custodial interrogation of the petitioner is necessary to ascertain the layering and movement of the funds cannot be brushed aside. Further, the petitioner appears to be a repeat offender with scant regard for the law, as evident from his involvement in similar offences reflected in Crime Nos.5, 6 and 9 of 2025. Therefore, as rightly submitted by the learned counsel for the intervener, placing reliance upon the



judgment of the Hon'ble Supreme Court in *Vasantha v. State of Tamil Nadu*

reported in **2026 INSC 513**, the petitioner cannot treat the process of seeking

anticipatory bail as a matter of chance or gamble.

11. From the above narration, it is amply clear that the petitioner is involved in three previous cases of a similar nature, which *prima facie* demonstrate a pattern of conduct. The materials placed before this Court indicate that the petitioner has misused the liberty previously granted and has continued to indulge in similar offences, thereby subverting the administration of justice. Hence, this Court is of the firm view that the petitioner is not entitled to the discretionary relief of anticipatory bail.

12. Accordingly, this Criminal Original Petition stands dismissed.

05.06.2026

1/2

kv



Crl.O.P.No.12232 c



WEB COPY

- 1.The Judicial Magistrate-VII, Coimbatore.
2. The Inspector of Police,
CCB-Coimbatore City Police Station,
Coimbatore.
- 3.The Public Prosecutor, High Court of Madras.



WEB COPY

Crl.O.P.No.12232 of 2026



C.KUMARAPPAN.J.

kv

Crl.O.P.No.12232 of 2026

05.06.2026
1/2