



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13092 of 2026

Jyothish Kumar
S/o. Mukundan,
210/H3, Tamilzhagam Road,
Monte Rosa Hill, Udagamandalam,
The Nilgiris 643001

..Petitioner(s)

Vs

State Rep by Inspector of Police,
CCB - II,
Coimbatore City.
(Crime No. 6 of 2026)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to grant an Anticipatory Bail in the event of the Petitioner arrest by the Respondent Police in Crime No. 6 of 2026 on the file of the Respondent.

For Petitioner: Mr.S.Senthamizhan

For Respondent: Mr.N.Palanivel,
Government Advocate (crl.side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 120B, 465, 467, 468, 471 and 420 of IPC,1860 in Crime No.6 of 2026 on the file of the respondent police seeks anticipatory bail.

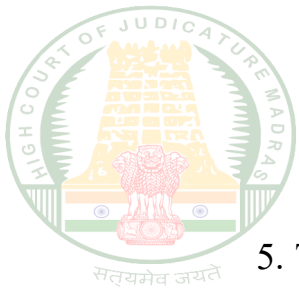


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2. According to the prosecution case, the present petitioner A2, the defacto complainant, and one Shakith are all partners in a resort business, each holding a 33.3% share. In 2018, all three of them inducted A1, and each transferred 8.8% of their shares to A1. Consequently, A1, A2, Shakith, and the defacto complainant each held a 25% share in the business. Subsequently, in 2019, A1 held 52% share, A2 held 23%, and Shakith held 25%, while the defacto complainant was not allotted any share. Hence the complaint.

3. The learned counsel for the petitioner would submit that according to the petitioner, this share allotment was made only with the due approval of the defacto complainant; therefore, the defacto complainant cannot have any complaint regarding these transactions. Furthermore, the defacto complainant filed a claim before the NCLT in CP No. 75 of 2024, and only after this complaint was filed did the present FIR get registered on 21.3.2026 in relation to alleged transactions that took place on 5.2.2018. The petitioner contends that there are no grounds for custodial interrogation.

4. However, the learned counsel for the intervenor strongly opposes the bail application, contending that the company petition was filed only for the retransfer of shares to the petitioner, and that the criminal investigation requires custodial interrogation of the petitioner, who allegedly committed forgery.

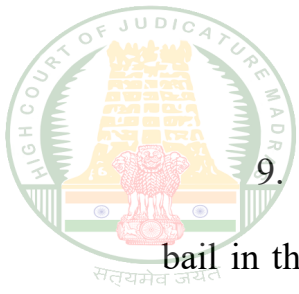


5. This contention was reiterated by the learned government advocate for the respondent, who argued that A1 and A2 are in collusion; hence, unless these petitioners are taken into custody, further investigation would be difficult.

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

7. While this is a case of cheating, initially the defacto complainant was also a partner in the business along with the other accused. The dispute arose only in 2019. The learned counsel for the intervenor further contended that the petitioner forged documents claiming to have removed the defacto complainant from the board in 2019, which the defacto complainant only discovered in 2024, immediately filing the company petition before the NCLT.

8. From the above facts, it is apparent that the defacto complainant became aware of the transaction in 2024, whereas the FIR was filed only on 21.3.2026. Admittedly, there was a business transaction between the petitioner and the respondents involving a share transfer. Therefore, this Court is of the firm view that the instant issue has an element of civil nature. Accordingly the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



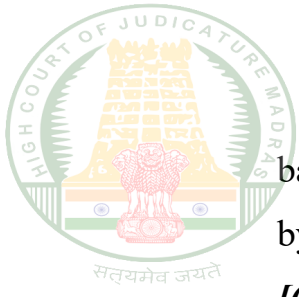
9. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **Magistrate No.VII, Coimbatore**, on condition that **the petitioner shall execute 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 daily at 10.30 a.m., and 5.30 p.m. for the period of 15 days and thereafter, as and when required for interrogation;

(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



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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.

29-06-2026

JRS

To

- 1.The Magistrate No.VII, Coimbatore.
2. The Inspector of Police,
CCB – II, Coimbatore City.
(Crime No. 6 of 2026)
3. The Public Prosecutor, High Court of Madras.



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CRL OP No. 13092 of 2



C.KUMARAPPAN, J.

JRS

CRL OP No. 13092 of 2026

29-06-2026