



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13364 of 2026

1. R.Arumugam @ Ramu Arumugam
S/o. Ramu,
A1801, 18th Floor,
Greenwood Hiranandani,
5/63, Old Mahabalipuram Road,
Egattur, Kanchipuram District.
2. A.Janani
W/o. Mr. R. Arumugam @ Ramu Arumugam,
A1801, 18th Floor,
Greenwood Hiranandani,
5/63, Old Mahabalipuram Road,
Egattur, Kanchipuram District.
3. Madhujith Arumugam,
S/o. Mr.R.Arumugam @ Ramu Arumugam,
A1801, 18th Floor,
Greenwood Hiranandani,
5/63, Old Mahabalipuram Road,
Egattur, Kanchipuram District.

..Petitioners

Vs

State rep. by
The Inspector of Police,
T-20, Kanathur Police Station,
Chengalpattu, Crime No. 76 of 2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the event of their arrest/surrender in connection with the complaint pending investigation in Crime No. 76 of 2026 on the file of the respondent police.



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For Petitioners:

Mr.V.Sundarraman

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.Side)

For Intervenor:

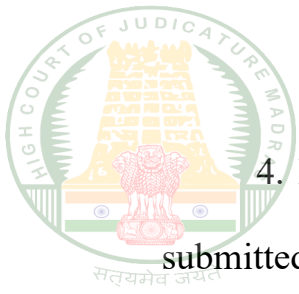
Mr.R.Siddharth

ORDER

This Criminal Original Petition has been filed by the petitioners on 19.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

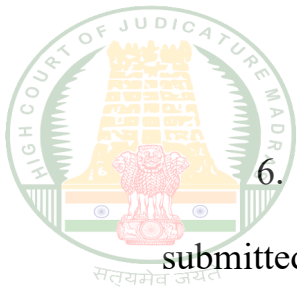
2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 316(2), 318(4), 351(2) of Bharatiya Nyaya Sanhita, 2023, in Crime No.76 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that the de-facto complainant invested a sum of Rs.1 crore with the accused persons for starting an interior designing business based on the representations made by them. It is alleged that after receiving the amount, the accused failed to honour their promise and misappropriated the money. Though a sum of Rs.50 lakhs was later repaid, the remaining amount of Rs.50 lakhs was not returned despite execution of an MOU and promissory note, thereby cheating the de-facto complainant.



4. Mr.V.Sundarraman, the learned counsel appearing for the petitioners submitted that the petitioners are running a interior business and the amount received from the de-facto complainant was only an investment towards the proposed business venture. It is submitted that due to misunderstanding and difference of opinion between the parties, the business could not continue smoothly. The learned counsel further submitted that the petitioners had already repaid a sum of Rs.50 lakhs on 23.02.2026 and 24.02.2026 and are ready and willing to repay the remaining amount of Rs.50 lakhs within a period of four months from today. Hence, he prays to grant an order of pre-arrest bail to the petitioners.

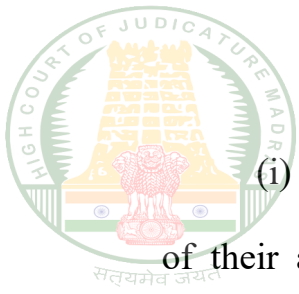
5. *Per contra*, Mr.A.Gopinath, the learned Government Advocate (Criminal Side) appearing for the respondent-police, on instructions, submitted that the first petitioner was arrested and remanded to judicial custody as per law and therefore, the petition as against the first petitioner has become infructuous. Insofar as petitioners 2 and 3 are concerned, the learned Government Advocate (Criminal Side) opposed the grant of anticipatory bail by stating that the petitioners had received a sum of Rs.1 crore from the de-facto complainant and only a portion of the amount had been repaid. Hence, he opposed to grant an order of pre-arrest bail to the petitioners.



6. The learned counsel appearing for the intervenor/defacto complainant submitted that the petitioners received Rs.1 crores from the defacto complainant on false promise and repaid only Rs.50 lakhs. It is further submitted that the petitioners failed to return the balance amount and therefore, he opposed to grant an order of pre-arrest bail to the petitioners.

7. Heard on both sides. This Court has perused the records.

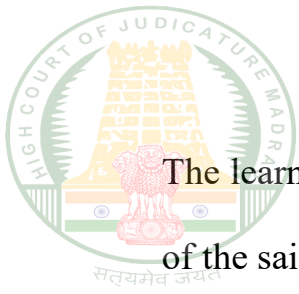
8. Considering the submissions made on either side and on perusal of the materials available on record, this Court finds that the dispute between the parties arises out of a business transaction. It is also seen that the first petitioner was arrested and remanded to judicial custody as per law and therefore, the petition filed by the first petitioner has become infructuous. Insofar as petitioners 2 and 3 are concerned, the petitioners 2 and 3 have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioners 2 and 3 are a first offender and also taking into account of the fact that the petitioners 2 and 3 are ready to deposit a sum of Rs.50,00,000/- (Rupees Fifty lakhs only) and with a view to give an opportunity to the petitioners 2 and 3 to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners 2 and 3. Accordingly, pre-arrest bail is granted to the petitioners 2 and 3 subject to the following conditions:



(i) The petitioners 2 and 3 shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned District Munsiff Cum Judicial Magistrate, Sholinganallur, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsiff Cum Judicial Magistrate, Sholinganallur,

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners 2 and 3 shall deposit a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the credit of the Crime No.76 of 2026 on the file of the respondent-police, before the learned District Munsiff Cum Judicial Magistrate, Sholinganallur, within a period of four months from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.76 of 2026.



The learned Judicial Magistrate or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.

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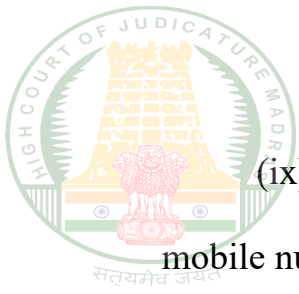
(iv) The petitioners 2 and 3 shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.

(v) The petitioners 2 and 3 shall make himself available for interrogation by a police officer as and when required.

(vi) The petitioners 2 and 3 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vii) The petitioners 2 and 3 shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(viii) The petitioners 2 and 3 shall not leave India without the previous permission of the Court.



(ix) The petitioners 2 and 3 shall furnish their residential address and mobile number to the concerned Magistrate.

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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners 2 and 3 in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

8. Accordingly, this Criminal Original Petition is **allowed** as against second and third petitioners subject to the conditions stated *supra* and dismissed as infructuous as against first petitioner.

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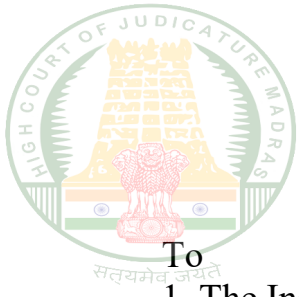
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

NSL/SHL

Note:

1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



To

1. The Inspector of Police,
T-20, Kanathur Police Station,
Chengalpattu.

2. The Public Prosecutor,
High Court of Madras.

3. The District Munsif Cum Judicial Magistrate, Sholinganallur.



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R.SAKTHIVEL, J.

NSL/SHL

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