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Crl.O.P.No.15229 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.15229 of 2026

O.V.Ajith Kumar

... Petitioner

Vs.

The State represented by its
The Inspector of Police,
P-5 M.K.B Nagar Police Station,
Pulianthope, Chennai.
(Crime No.249 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 arrest in Crime No.249 of 2026 on the file of the respondent Police.

For Petitioner : Mr.Om Sai Ram

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

ORDER

The petitioner apprehends arrest for the alleged offences under Sections 406 & 420 of IPC in Crime No.249 of 2026, on the file of the respondent police seeks anticipatory bail.

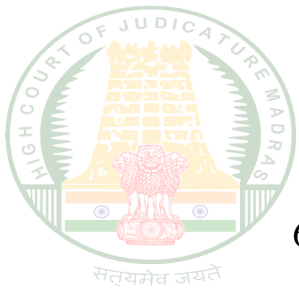


2. The case of the prosecution is that the de-facto complainant paid a sum of Rs.23,00,000/- to the accused in the year 2017 on the representation that he would be inducted as a partner in a business venture. Subsequently, the complainant came to know that no such genuine business activity existed and that the amount had been misappropriated by the accused. It is further alleged that the cheques issued by the accused towards repayment were dishonoured for insufficiency of funds. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and he has been falsely implicated in this case. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and vehemently opposed to grant anticipatory bail to the petitioner.

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



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6. From the submissions made by the learned counsel appearing on either side and the materials available on record, it is seen that the occurrence is alleged to have taken place on 01.04.2017 and that the FIR came to be registered only on 28.05.2026 that too pursuant to the directions issued by the learned Magistrate. The allegation in the First Information Report is that the de-facto complainant seeks recovery of a sum of Rs.23,00,000/- allegedly paid to the petitioner. According to the learned counsel for the petitioner, the said amount was invested in a partnership firm and, therefore, the question of profit and loss would arise in the course of the business transaction and not a claim for refund simpliciter. It is further submitted that other litigations are also pending between the parties.

7. In such circumstances, as rightly contended by the learned counsel for the petitioner, considering that the alleged occurrence pertains to the year 2017 and arises out of a business transaction, this Court is of the view that custodial interrogation of the petitioner is not required, particularly when the FIR has been registered only on 28.05.2026 pursuant to the directions of the learned Magistrate. Hence, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



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8. Accordingly, the petitioner is ordered to be released on 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 **learned X Metropolitan Magistrate, Egmore** 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., for a period of two weeks 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 bail by the learned Magistrate/Trial Court himself



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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.

17.06.2026

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To

- 1.The X Metropolitan Magistrate, Egmore.
- 2.The Inspector of Police,
P-5 M.K.B Nagar Police Station,
Pulianthope, Chennai.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

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