



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16991 of 2026

Boominathan
S/o.Nallathambi,
No.88/13,
Annamalai Nagar 7th Street,
Thiruvottiyur,
Chennai - 600 019.

..Petitioner(s)

Vs

The State of Tamilnadu Rep by
The Inspector of Police
M-8, Sathangadu Police Station,
Redhills, Chennai.
Crime no.141 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime no.141 of 2026 on the file of Inspector of Police, M-8, Sathangadu Police Station, Chennai.

For Petitioner(s): Mr.S.P.Sivashankar

For Respondent(s): Mr.S.Yogaraja Sekar,
Counsel for Government of Tamil Nadu
(Criminal Side)

For Intervener : Mr.D.Prasanna Kumar

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.06.2026 for the alleged offence under Sections 316(2), 318(4) of BNS, 2023



in Crime No.141 of 2026 on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that the petitioner induced the defacto complainant, who is his neighbour, to discharge the mortgage loan of Rs.40,78,000/- and enter into an agreement for sale of the petitioner's apartment. However, after redeeming the mortgage, the petitioner failed to execute the sale deed and thereby cheated the defacto complainant. Hence, the present case.

3. The learned counsel for the petitioner submitted that a sale agreement dated 28.09.2025 was entered into between the petitioner and the defacto complainant for the sale of the subject property for a total sale consideration of Rs.55,00,000/-, out of which a sum of Rs.40,78,000 lakhs was paid as part sale consideration. He further submitted that the dispute is purely civil in nature arising out of a monetary transaction between the parties and that a complaint lodged by the petitioner against the defacto complainant is also pending before the respondent police. Hence, he prays for grant of bail to the Petitioner.

4. The learned counsel for the intervener would submit that the entire sale consideration have been paid, however the petitioner neither returned the amount nor executed the sale deed. Hence, he prays to dismiss the bail petition.



5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that there are totally three accused in this case and the petitioner is arrayed as A1. He further submitted that A2 and A3 are still absconding. However, he opposed the grant of bail to the Petitioner.

6. I have given my anxious consideration to either side submissions and perused the materials available on record.

7. From the submissions made by the learned counsel on either side, it is seen that the dispute has arisen out of a sale agreement dated 28.09.2025. The allegation against the petitioner is that, despite receiving the advance sale consideration, he neither executed the sale deed nor refunded the amount, which led to the registration of the FIR. Therefore, this Court would be able to find that there is an element of civil transaction between the petitioner and the defacto complainant. In such view of the circumstances, considering the incarceration of the petitioner since 01.06.2026, and upon the fact that the petitioner has no criminal antecedents, this Court is inclined to enlarge the petitioner on bail on certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand**



only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur, and on further conditions that:

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[a] 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 the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

03-07-2026

DRL



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 the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate, Thiruvottiyur.

2. The Inspector of Police
M-8, Sathangadu Police Station,
Redhills, Chennai.

3. The Superintendent,
Puzhal Jail Prison.

4. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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