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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2026

CORAM
THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.M.P. No. 18124 of 2026
in
Crl.O.P. No. 21886 of 2026

J. Jean Singh,
S/o. John Singh ... Petitioner / De facto complainant

Vs.

1. Shradha Lenin ... 1st Respondent / Accused

2. State of Tamil Nadu,
represented by the Inspector of Police,
Central Crime Branch, EDF-II, BETA-5,
Vepery, Chennai - 600 007.
(Crime No. 58 of 2026) ... 2nd Respondent / Prosecution

PRAYER: Criminal Miscellaneous Petition filed under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to cancel the anticipatory bail granted to the 1st respondent/accused by this Court by order dated 07.08.2026 in Crl.O.P. No. 21886 of 2026 in Crime No. 58 of 2026 on the file of the 2nd respondent police, and pass such further order as this Court may deem fit and proper in the interest of justice.

For Petitioner : Mr. G. Anandakumar
for M/s. Thamizharasi Law Firm

For Respondent 1 : Mr. V. Ashvath Neelakandan
For Respondent 2 : Mr. R. Rajasekaran,
Government Advocate (Crl. Side)

ORDER

1. This is a petition for the cancellation of anticipatory bail under Section 483(3) of the BNSS. The petitioner is the de facto complainant in Crime No. 58

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of 2026 on the file of the second respondent, the Central Crime Branch, EDF-II, Chennai, registered on 19.06.2026 for offences under Sections 420 and 120-B read with Section 34 of the IPC. The first respondent is the first accused. A coordinate Bench of this Court granted her anticipatory bail by order dated 07.08.2026 in Crl.O.P. No. 21886 of 2026. The investigation is pending. By order dated 15.10.2026 the parties were referred to mediation, and the Mediation Centre has reported that no settlement was reached.

2. The case of the prosecution, briefly stated, is this. The petitioner, a retired Junior Engineer of TANGEDCO now aged about sixty-three, registered on a matrimonial website for divorced persons in 2022. The first respondent contacted him there, told him that she was a divorcee who wished to marry him, and introduced a man as her elder brother, K.M. Joseph Steven, whom the complaint identifies as Lenin K. Thambi. From June 2022 the petitioner is said to have parted with money and jewels, which the first information report puts at Rs.2 crores and forty-two sovereigns, partly on the representation that her house at Gwalior had to be cleared of encumbrances. In June 2025, after she had stopped answering him, a man calling himself advocate "G.M. Rao" sent him a video of a coffin and told him that she was dead, and a woman calling herself "Sophia Mother" sent photographs of a burial and demanded Rs.10 lakhs to keep a suicide note away from the police. The first information report names the first respondent, "Joseph Stephen" and "Rao G M" as the accused.

3. After those messages the petitioner complained to the police in Chennai and in Kerala, and then moved the High Court of Kerala in W.P.(Crl.) No. 962 of 2025, a petition in the nature of habeas corpus. The Division Bench directed a special team of the Kerala Police to trace the first respondent, and she was produced before it on 04.08.2025. The writ petition was dismissed that day by a judgment to which I shall come. The petitioner's complaint to the Commissioner

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of Police, Chennai, dated 17.09.2025, was closed on 03.03.2026 as a family matter, and the present first information report was registered on a fresh complaint dated 03.06.2026.

4. On 28.07.2026 the second respondent issued a notice under Section 41-A of the Code of Criminal Procedure, 1973, calling upon the first respondent to appear on 01.08.2026. She did not appear, and she moved this Court for anticipatory bail on 03.08.2026. The petitioner was not heard on that petition. The order dated 07.08.2026 notes, in paragraph 6, that the occurrence began in June 2022 while the first information report was registered only in June 2026, and rests the grant on this passage in paragraph 7:

> *"Considering the above circumstances, particularly the fact that the petitioner is a woman and has no criminal antecedents, this Court is of the firm view that the custodial interrogation of the petitioner is not required."*

She was directed to surrender before the learned Metropolitan Magistrate for the Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, within fifteen days, and to report before the second respondent daily for two weeks and thereafter whenever required.

5. Learned counsel for the petitioner made these submissions:

[a] the first respondent obtained anticipatory bail by presenting herself as a single woman, when she was living with Lenin K. Thambi, the man she had introduced to the petitioner as her brother;

[b] she kept back from the Court what the judgment of the High Court of Kerala records about the staged funeral and about Lenin K. Thambi;

[c] the money passed through her bank accounts and was moved on, and its recovery needs her custody;

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[d] her past conduct shows that she will abscond and destroy the digital record once the reporting condition ends.

6. The first respondent has filed a counter affidavit, and her counsel made these submissions:

[a] the petition seeks a rehearing of the grant and shows no supervening circumstance;

[b] she surrendered before the learned Magistrate within time, executed the bond and reported before the second respondent for two weeks without default;

[c] the Kerala proceedings were referred to in paragraph 14 of her petition for anticipatory bail, and the judgment was in the index of her typed set;

[d] her marriage was dissolved on 11.09.2015 by the Family Court at Jabalpur, Lenin K. Thambi is a family friend and caretaker, and her Aadhaar card shows him only as "C/O";

[e] she created the funeral scene to stop a man who was stalking her;

[f] the petitioner has hidden his own marriages, which are the subject of W.P. No. 18904 of 2022 and O.S. No. 335 of 2022, his first complaint was closed by the police, his bank statements do not support the figure of Rs.2 crores, and his remedy is civil.

The learned Government Advocate (Criminal Side) submitted that the 1st respondent has not cooperated with the investigation and that nothing could be recovered from her and that her bail has to be cancelled.

7. I have considered the rival submissions and perused the material placed before me.

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8. The order complained of was made by a coordinate Bench of this Court, and I cannot examine whether it was rightly made. In paragraph 12 of **Himanshu Sharma v. State of Madhya Pradesh, (2024) 4 SCC 222,** the Supreme Court set out the situations in which bail may be cancelled, the last of them being *"that the bail was procured by misrepresentation or fraud."* That ground looks only at what the accused did to obtain the order, and calls for no view on its merits. An order obtained by abuse of the process of the court may be recalled, and the bar against review does not operate, because the power of recall is different from the power of review, as held in **State of Punjab v. Davinder Pal Singh Bhullar, (2011) 14 SCC 770** (paragraph 27). Suppression of material facts in a bail petition is a fraud on the court, as held in **Kusha Duruka v. State of Odisha, 2024 INSC 46**, and the utmost good faith is the foundation of the discretionary jurisdiction to grant bail, as held in **Senior Intelligence Officer v. Mohammed Kamran, 2026 INSC 1140**.

Two questions therefore arise: whether anything the first respondent has done since 07.08.2026 calls for cancellation, and whether the order was procured by misrepresentation or suppression.

9. I take first the conduct since the grant. The first respondent says that she surrendered, executed the bond and reported before the second respondent as directed, and nothing placed before me contradicts it. Only apprehension expressed is that she will delete her matrimonial profile or her messages.

10. On the petition for anticipatory bail, two matters were in issue before the Court: whether custodial interrogation was needed, and whether the first respondent could be trusted to remain available to the investigation. On both, the petition gave a picture of its own. It said, in paragraph 17, that she is a permanent resident of Kerala with deep roots in society and is not likely to abscond. It said, in paragraph 5, that after her divorce she remained single for nine years. It said,

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in paragraph 6, that the petitioner had fabricated and forged documents to portray her as his wife. In paragraph 14 it said that the High Court of Kerala, after considering the facts, dismissed the habeas corpus petition, "thereby rejecting the false claim projected by the de facto complainant".

11. The judgment of the High Court of Kerala does not say that. It records, in paragraph 5, the first respondent's own explanation to that Court that she had created the scene of a funeral, which was in fact her aunt's, *"to convince the petitioner that she was no more"*. It records, in paragraphs 7 and 9, what the Government Pleader reported from the investigation of the Kerala Police: that the police suspected that the first respondent and Lenin K. Thambi might be wife and husband, that it was Lenin K. Thambi who had posed on the phone as an advocate named "G.M. Rao", that the first respondent had got someone to speak to the petitioner as a nun about her funeral, and that the name and address of K.M. Joseph Steven had been found to be fictitious. In paragraph 10 the Division Bench said that the case was prima facie the product of the petitioner's belief in a story admittedly woven by the first respondent, and that he could not be blamed for it. It dismissed the writ petition because she was an adult who said that she was not in detention, and it left the controversy open.

12. Those matters go to the heart of the accusation. The staged death, the calls from "G.M. Rao" and the demand by "Sophia Mother" are the later part of the very case in Crime No. 58 of 2026, and the other two accused are named in the first information report by the names that, on the account of the Kerala Police, were assumed. The first respondent's disappearance in 2025, and the fact that she was found only after a special team was formed under the orders of a High Court, bear directly on whether she would remain available. None of this was told to the Court. The order of 07.08.2026 does not refer to the Kerala judgment, and the reasons it gives show that the Court decided without it. Even the delay on which

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the order relied is explained, on this record, by the events the petition passed over: the last contact in May 2025, the funeral messages in June 2025, the complaints and the habeas corpus petitions that followed, and the complaint to the Commissioner in September 2025.

13. Two answers are offered in the counter affidavit. The first is that the Kerala judgment was in the index of the typed set. That typed set is not before me, and I shall assume that it was. A party who files a judgment and tells the Court in her petition that it rejected her opponent's case, when it records her own account of having staged her death, has not disclosed the judgment; she has misdescribed it. The second answer is that Lenin K. Thambi is a family friend and caretaker and that the Aadhaar card shows him as "C/O". The card she has produced gives her address in the care of Lenin K. Thambi at No. 27/30, Eluvathingle House, Thrissur, which is the address she gave in her petition for anticipatory bail as her permanent residence. The card produced by the petitioner bears the same number and describes her as the wife of Lenin K. Thambi, at an address in Gwalior. The counter affidavit does not deal with that card. The notice under Section 41-A was addressed to her as the wife of Lenin K. Thambi, and her own petition says that she received it at the address shown on it. Whether she is married to him is a matter for the investigation, and I record no finding on it. What matters here is that the petition told the Court that she had remained single and that the petitioner's account was forged, and said nothing of these documents or of what the Kerala Police had found about this man.

14. The remaining answers go to the merits of the accusation: the petitioner's own marital history, the closure of his first complaint, the differences said to exist between his complaints, the balances in his bank accounts and the contention that the dispute is civil. Which version is true is a matter for the investigation, and it cannot be resolved on affidavits. None of it bears on whether

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the first respondent dealt fairly with the Court when she asked for its discretion. The petitioner, who was not heard when the order was made, has shown that she did not. The order dated 07.08.2026 was procured by misrepresenting a judgment that recorded her own conduct, and by suppressing facts that went to both matters on which the Court exercised its discretion. It cannot be allowed to stand. Nothing in this order is a reflection on the coordinate Bench, which was not told these facts.

15. **In the result, this Criminal Miscellaneous Petition is allowed and the anticipatory bail granted to the first respondent by order dated 07.08.2026 in Crl.O.P. No. 21886 of 2026 is cancelled.**

16. The bond executed by the first respondent under that order stands cancelled. The first respondent shall surrender before the learned Metropolitan Magistrate for the Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, within two weeks from today, failing which the second respondent shall take her into custody in accordance with law. It is open to her to apply for bail after surrender, disclosing this order and the judgment in W.P.(Crl.) No. 962 of 2025, and any such application shall be decided on its own merits.

17. It is made clear that the observations made in this order are confined to the disposal of this petition, are prima facie in nature, and shall not influence the second respondent in the further investigation or the trial court at any stage of the trial.

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To

1. The Metropolitan Magistrate for the Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. State of Tamil Nadu,
represented by the Inspector of Police,
Central Crime Branch, EDF-II, BETA-5,
Vepery, Chennai - 600 007.

3.The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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