WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.30161 of 2026

CNR: {HCMA012504702026}

Adhavan Prakash ..Petitioner

Vs

The State rep by the Inspector of Police,
DCB Police Station,
Vellore District.
Crime No.13 of 2026.

..Respondent

PRAYER: To release the petitioner on bail in connection with Crime No.13 of 2026 pending investigation/trial on the file of DCB police station, Vellore District, on such terms and conditions as this Court may deem fit and proper, and, in the alternative, to pass the directions set out in paragraph 17 above, and pass such further or other orders as this Court may deem fit and thus render justice.

For Petitioner : Mr.S.Selvendran
For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl. Side).

ORDER

The petitioner, who was arrested on 30.08.2026 and remanded to judicial custody for the alleged offences punishable under Sections 316(2), 318(4), 336(2), 336(3), and 340(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.13 of 2026 on the file of the respondent police, seeks the grant of bail.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

2. The case of the prosecution is that the petitioner/accused assured the de-facto complainant that he owns a parcel of land measuring two acres, which was then under mortgage with M/s.Authum Investment and Infrastructure Limited for a sum of Rs.1,50,00,000/- (Rupees One Crore and Fifty Lakhs only). The petitioner offered to sell the said property subject to the existing mortgage, following which both parties entered into a sale agreement. According to the First Information Report (FIR), the de-facto complainant paid a total sum of Rs.2,23,35,000/- (Rupees Two Crores Twenty Three Lakhs and Thirty Five Thousand only) to the petitioner, out of which a sum of Rs.1,30,75,000/- was transferred through banking channels, and the remaining balance was paid by cash on various occasions. It is alleged that upon subsequent verification, the de-facto complainant discovered that the petitioner did not utilize the said funds to discharge the mortgage loan. The property continued to remain encumbered, and the petitioner allegedly utilized the entire sum for his personal expenses, failed to respond properly, and further fabricated receipts as if the money received was paid to the financial institution. Hence, the complaint was lodged, leading to the arrest of the petitioner.

3. The learned Senior Counsel appearing for the petitioner submits that the entire transaction is purely civil in nature, arising out of a contractual sale agreement, and the appropriate remedy available to the de-facto complainant is to approach a competent Civil Court for specific performance or recovery of money. He further submits that without prejudice to his rights and contentions,

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

the petitioner has voluntarily executed a structured Payment Schedule to show his bona fides, undertaking to deposit the entire institutional bank transaction sum of Rs.1,30,75,000/- (Rupees One Crore Thirty Lakhs and Seventy Five Thousand only) in six strict installments. Highlighting the petitioner's prolonged incarceration since 30.08.2026, he prays for the grant of bail based on this voluntary undertaking.

4. The learned Government Advocate (Crl. side) appearing for the respondent opposes the grant of bail, emphasizing the scale of the financial fraud. However, taking note of the absolute voluntary payment schedule modified and tendered by the petitioner to secure the dynamic interests of the complainant, the matter is left to the discretion of this Court.

5. Heard both sides and perused the case diary materials carefully. Considering the facts and circumstances of the case, the prolonged period of custody suffered by the petitioner from 30.08.2026, the nature of the transaction, and the clear, categorical voluntary undertaking coupled with the modified Payment Schedule submitted on behalf of the petitioner, this Court is inclined to grant bail to the petitioner, subject to strict compliance with the updated payment timeline.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Katpadi,** and subject to the following conditions:

https://www.mhc.tn.gov.in/judis

WEB COPY

[a] The sureties shall affix his 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 his identity;

[b] The petitioner shall appear before the respondent police daily 10.30 a.m. for a period of until further orders;

[c] Further, the petitioner is directed to deposit the amounts before the Trial Court in Crime No.13 of 2026 as per the payment schedule dated 27.10.2026 produced before this Court without fail, which reads as follows:

S.No.	Due Date	Percentage	Amount (Rs.)
1	05.11.2026	20%	Rs.26,15,000/-
2	20.11.2026	15%	Rs.19,61,250/-
3	05.12.2026	15%	Rs.19,61,250/-
4	20.12.2026	20%	Rs.26,15,000/-
5	05.01.2027	15%	Rs.19,61,250/-
6	20.01.2027	15%	Rs.19,61,250/-
7	Total	100%	Rs.1,30,75,000/-

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

[d] It is made clear that compliance with the aforementioned modified payment schedule is an absolute condition precedent for the continuance of this bail order. In the event of any single default or failure on the part of the petitioner to remit the installment amounts in strict accordance with the finalized timeline, the respondent police as well as the de facto complainant are at absolute liberty to approach the Trial Court or this Court immediately for the cancellation of the bail granted herein.

[e] If the petitioner deposits the above payment as per the schedule, the defacto complainant shall be permitted to withdraw the said amounts subject to the outcome of the main case.

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

[g] the petitioner shall not tamper with the evidence or witness either during investigation or trial, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[h] 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];**

https://www.mhc.tn.gov.in/judis

WEB COPY

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

27.10.2026

kmm

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.

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Judicial Magistrate, Katpadi.

2. The Superintendent, Central Prison, Vellore.

3. The Inspector of Police, DCB Police Station, Vellore District.

4. The Public Prosecutor,
High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

N.RAMESH

kmm

CRL.O.P.No.30161 of 2026

27.10.2026

https://www.mhc.tn.gov.in/judis