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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30693 of 2026

CNR: {HCMA012560282026}

1. M.Ilayaraja
2. M.Rajenthiran

..Petitioner(s)

Vs

The State Rep. by,
The Inspector of Police
District Crime Branch,
Salem, Salem District.
Crime No.9 of 2026.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 483 BNSS Act to enlarge the Petitioners on bail in connection with the case in Cr.No.9 of 2026 pending investigation on the file of the Respondent Police and thus render justice.

For Petitioner(s): Mr.N.Manoharan

For Respondent(s): Mr.R.S.Indira
Additional Public Prosecutor

ORDER

This is a petition for regular bail under Section 483 of the BNSS. The petitioners are the first and second accused in Crime No. 9 of 2026 on the file of the Inspector of Police, District Crime Branch, Salem, registered on 07.09.2026 for offences under Sections 115(2), 204, 296(b), 316(2), 318(4), 336(2), 340(2)

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and 351(3) of the BNS. The investigation is pending. This is the first petition of the petitioners before this Court.

2. The case of the prosecution, briefly stated, is this. The petitioners are brothers. The de facto complainant says that they were introduced to her through a family friend in April 2025, that they represented that the Tahsildar of Sankari was close to them, and that they undertook to secure for her the post of Village Assistant for a consideration of Rs. 15,00,000/-. On 20.08.2025 she and her father are said to have paid Rs. 3,00,000/- in cash at the house of the first petitioner. For the balance, the petitioners are said to have asked that the family's agricultural land in S.F. No. 56/2, Kaligoundampalayam Village, Sankari Taluk, be conveyed to them temporarily as security, with a promise of reconveyance when the money was repaid. On 22.08.2025 the complainant and her father executed a registered sale deed (Document No. 5506 of 2025) in favour of the petitioners. The deed recites a consideration of Rs. 6,40,500/- paid by cheque. The complainant says that the cheque was only shown at the time of registration, that no money was paid, and that the original partition deed of 1994 by which her father derived title was taken from them. On 13.09.2025 her brother, who had not joined the sale, executed a registered deed of consent to it, which she says was obtained by compulsion. The petitioners thereafter sold the land in two parcels of 50 cents and 30 cents on 16.09.2025 and 31.10.2025 to two purchasers, who in turn sold the whole to a third person on 05.02.2026. The complainant says that she sent her certificates on request, that she received an

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interview letter on 10.12.2025 and attended a mock interview arranged by the petitioners with a person introduced as the Tahsildar, and that no appointment followed. On 06.07.2026, when she and her father went to the first petitioner's house to ask for the money or the land, they are said to have been abused, assaulted and threatened. Her complaint to the Superintendent of Police, Salem, is dated 08.07.2026; after an enquiry the FIR was registered on 07.09.2026.The petitioners were arrested and remanded to judicial custody on 26.09.2026.

3. Learned counsel for the petitioners made these submissions.

[a] The transaction is a sale, not a security. The complainant and her father executed a registered sale deed for a stated consideration of Rs. 6,40,500/-, which was paid in cash on the day of registration because the cheque could not be presented before the bank closed for the weekend, and the cheque was returned. The brother's registered consent deed of 13.09.2025 confirms the sale, and he signed as a witness to the sale of 50 cents on 16.09.2025.

[b] The petitioners filed O.S. No. 57 of 2026 on the file of the learned District Munsif, Sankari, on 15.04.2026, for a permanent injunction against the complainant, her father and her brother, after an attempted trespass on 10.04.2026 and 12.04.2026; the suit stands posted to 20.11.2026 for written statement. The complaint to the police came three months after the suit, when the complainant came to know that the land had been sold at a higher price, and it gives a criminal colour to a civil dispute in order to extract money.

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[c] Every document in the case is a registered instrument and is already in the public record. Nothing remains to be recovered from the petitioners, and nothing is shown that custody would serve.

4. The learned Government Advocate (Criminal Side) opposed the petition on the basis of first information report. He submitted that the investigation is pending; that the petitioners obtained Rs. 3,00,000/- and land said to be worth about Rs. 1 crore on a false promise of a Government post, and put the land beyond reach by two sales within three months of taking the deed; that the complainant was threatened when she asked for it back; that the petitioners, if released, may abscond and tamper with the witnesses; and that a further petition dated 07.10.2026 has been given to the Superintendent of Police, Salem, by another resident of Naduvaneri alleging that the same two persons took his family's land in another survey number by a similar method, which is under enquiry.

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

6. The accusation is one of cheating and criminal breach of trust by a promise of public employment, coupled with the transfer of land. Dishonest intention at the inception of the transaction is the gist of cheating; a later failure

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to keep a promise does not by itself establish it, though intention may be inferred from the surrounding conduct, as held in **Hridaya Ranjan Prasad Verma v. State of Bihar**, (2000) 4 SCC 168. The material on which the prosecution relies, so far as placed before me, consists of the statement of the complainant and her father; the registered documents of 22.08.2025 and 13.09.2025 and the three sale deeds that followed; the messages exchanged on a messaging application; and the interview letter of 10.12.2025. Whether the consideration recited in the deed of 22.08.2025 was in fact paid, whether the interview letter is genuine, who the person introduced as the Tahsildar was, and whether the two sales that followed were made to defeat a promise of reconveyance, are all questions of evidence. I do not decide any of them.

7. Two facts on the record, however, bear on the character of the dispute at this stage. The first is that the instrument at the root of the accusation is a registered sale deed executed by the complainant and her father themselves, confirmed three weeks later by a registered deed of her brother. The second is that the petitioners sued the complainant's family for an injunction in April 2026, three months before the complaint to the police, and that suit is pending. Neither fact answers the accusation that the deed was taken as security on a false promise; which of the two versions is true is a matter for the investigation and the trial, and it cannot be resolved on affidavits. But together they show that this is not a case in which the accused are strangers to the complainant who have to be found, or in which the title documents have to be traced.

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8. The documents in the case are registered instruments and are in the public record; the complainant has annexed copies of all five to her complaint. The messages and the interview letter are with the complainant. They came forward with a suit in the civil court in April 2026 and lodged a caveat before that.

9. **In the result, this Criminal Original Petition is allowed** and the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- each (Rupees Twenty Five Thousand only) with two sureties,** for a like sum to the satisfaction of **the Judicial Magistrate No.6, Salem** and on further conditions that:

> [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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;
>
> [c] the petitioners shall not abscond either during investigation or trial;
>
> [d] the petitioners 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the

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petitioners 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.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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 the official website of this Court will be watermarked and will also have a QR code.

To

1.Judicial Magistrate No.6, Salem

2.The Superintendent of Police,
Central Prison, Salem.

3.The Inspector of Police
District Crime Branch,
Salem.

4.The Public Prosecutor
High Court, Madras.

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N.RAMESH, J.

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