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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30781 of 2026

CNR: {HCMA012560752026}

Santhosh
S/o Ravi,
No.3/ 178, Poyar steet,
Thalavaialli,
Dharmapuri District.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Indur Police Station,
Dharmapuri District.
Crime No.186 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioner on bail in the event of his arrest in crime No.186 of 2026 On the file of The Inspector of Police, Indur police station, Dharmapuri district and pass such further or other orders and thus render justice.

For Petitioner(s): M.Jaisingh
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

ORDER

The petitioner, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Sections 296(b) and 318(4) of BNS in Crime No.186 of 2026, on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that this is a dispute arising out of a house construction contract. The de facto complainant engaged the petitioner, a building contractor, on 27.11.2024 to construct a house at Kuppusettipatti and paid him a sum of Rs. 13 lakhs. It is alleged that the construction work was not properly completed up to the lintel stage. Furthermore, on 02.03.2025, when the de facto complainant questioned the petitioner, the petitioner allegedly abused him and refused to refund the excess amount of Rs. 7 lakhs. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the complaint was lodged on 07.08.2026, after a delay of about 16 months from the date of the alleged incident. He further submitted that the construction work was completed up to the roof stage under an oral contract and that the entire amount received had been spent towards the purchase of materials and labor charges. He argued that the transaction is purely contractual in nature and that there was no dishonest intention on the part of the petitioner from the inception of the transaction. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), appearing for the

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respondent Police, reiterated the prosecution's case and submitted that the investigation is pending. Therefore, he opposed the grant of anticipatory bail to the petitioner.

5. I have given my anxious consideration to the submissions made by both sides.

6. Considering the nature of the transaction along with the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. 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 Judicial Magistrate-II, Pennagaram, Dharmapuri District,** on condition that **the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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 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

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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 one week 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 was released on anticipatory bail by the learned Magistrate/Trial Court himself 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 abscond, a fresh FIR can be registered under Section 269 of BNS Act.

30-10-2026

MPA

To
1. Judicial Magistrate-II, Pennagaram, Dharmapuri District.

2.The Inspector of Police
Indur Police Station,
Dharmapuri District.
Crime No.186 of 2026

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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