Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL RC No. 2433 of 2026

CNR: {HCMA012565292026}

1. P.Perumal
2. Shajahan

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police
District Crime Branch,
Vellore, Vellore District.
Crime No. 10 of 2026.

..Respondent(s)

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS Act to call for the entire records in pursuant to the Crl.M.P.No.11609 of 2026 on the file of Judicial Magistrate No.V, Vellore, Vellore District Vide order dated 16.10.2026 and set aside the same consequently enlarge the petitioners on bail in Crime No.10 of 2026 on the file of the Respondent Police.

For Petitioner(s): Mr. M.Sathish Kumar
For Respondent(s): Mrs.R.S.Indira
Additional Public Prosecutor
assisted by Mr. M. Arulraj
Government Advocate(Crl.Side)

ORDER

This Criminal Revision Petition has been filed to call for the entire records relating to the order passed in Crl.M.P.No.11609 of 2026 dated 16.10.2026, on the file of Judicial Magistrate No.V, Vellore District, set aside the same and consequently, enlarge the petitioners on bail in Crime No.10 of 2026 on the file of the respondent Police.

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2.The case of the prosecution is that the petitioners along with the other accused had entered into criminal conspiracy and they had cheated the de facto complainant by promising to arrange donations through a charitable organization and on such promise, received a sum of Rs.2,17,61,780/-. It is further alleged that when the de facto complainant demanded the return of the said amount, the petitioners abused him in filthy language and threatened him with dire consequences.

3.The petitioners were arrested and remanded to judicial custody on 17.08.2026. The petitioners were already granted bail by this Court on 07.10.2026 in Crl.OP.Nos.25928 & 25916 of 2026. In the said orders, the first petitioner had voluntarily undertaken to deposit a sum of Rs.13,50,000/- to the credit of the Crime No.10 of 2026 in Crl.OP.No.25928 of 2026 and the second petitioner has voluntarily undertaken to deposit a sum of Rs.24,21,975/- to the credit of the Crime No.10 of 2026 in Crl.OP.No.25916 of 2026. Suppressing the above orders, the petitioners had filed a petition before the Trial Court under Section 187(3) of BNSS seeking statutory bail. The Trial Court had dismissed the said petition for the reason that they have not disclosed the facts regarding bail granted by the High Court. Against which, the petitioners have filed the present revision.

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4.The learned Trial Judge was justified in dismissing the statutory bail petition on account of suppression of facts. The petitioners cannot successfully claim an absolute and indefeasible right under Section 187 of BNSS having suppressed the earlier orders passed by the High Court and failed to honour the undertaking given before the Court. Even if statutory condition, custody for more than 60 days without filing charge sheet is otherwise satisfied, that right cannot be enforced through a petition founded on fraud or concealment of material facts. Hence, I am not inclined to entertain this petition. However, the petitioners are at liberty to approach the Trial Court to file a fresh petition by disclosing the entire facts and the Trial Court shall consider the same on merits and in accordance with law.

5.Accordingly, this Criminal Revision Petition stands disposed of.

23-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SLI/RSI

To

The Inspector of Police
District Crime Branch,
Vellore, Vellore District.
Crime No. 10 of 2026.

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N.RAMESH, J.

SLI/RSI

CRL RC No. 2433 of 2026

23-10-2026

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