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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31649 of 2026

CNR: {HCMA012573332026}

Naresh Giri
S/o Prem Giri,
No.28, Astapujam Road,
Giri Nivas, Choolai,
Choolaimedu High Road,
Egmore Taluk,
Chennai.

Case QR

..Petitioner(s)

Vs

State rep by its, The Inspector of Police
M.M.Colony Police Station,
Chennai.
Crime No.138 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 connection with in Crime No.138 of 2026 pending onthe file of the Respondent Police and thus render justice.

For Petitioner(s): D Dayalan
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 316(2), 318(4) and 351(2) of BNS, 2023 in Crime No.138 of 2026, on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the de-facto complainant purchased vacant plots bearing Plot Nos. 6 and 12, measuring 3,685 sq. ft., situated at Srinivas Nagar, Kosappur Village, Chennai District, from the petitioner under a registered sale deed dated 24.11.2025. Subsequently, the complainant found that there was a shortage of 960 sq. ft. in the purchased property. When questioned, the petitioner allegedly abused and threatened the complainant and cheated her. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner had sold only the extent of land he had bought under his own title deeds of the years 1993, 1994, and 2018. The dispute regarding the shortage of 960 sq. ft. is civil in nature and is entirely based on documentary evidence. Since the sale is by a registered deed and the dispute is only regarding the extent conveyed, nothing is to be recovered from the petitioner. It is further submitted that the petitioner has already appeared before the police for enquiry. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution's case and strongly opposed the grant of anticipatory bail to the petitioner.

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5. I have given my anxious consideration to the submissions made on either side and perused the materials available on record.

6. It is a case of cheating in the sale of a house site. According to the prosecution, the petitioner sold the complainant two plots measuring about 3,860 sq. ft. by a registered sale deed dated 24.11.2025. Subsequently, the complainant found that there was a shortage of 960 sq. ft. When she questioned the petitioner, he allegedly abused and threatened her and promised to return the money for the shortage.

7. Considering all the above circumstances, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. 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, Madhavaram,** 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

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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 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 15 days 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.

18-11-2026

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To

1. The Judicial Magistrate, Madhavaram,

2. The Inspector of Police
M.M.Colony Police Station,
Chennai.
Crime No.138 of 2026

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

MPA

CRL OP No. 31649 of 2026

18-11-2026

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