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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 34467 of 2026

CNR: {HCMA012814082026}

Esaikipandiyan @ Saravanan
S/o.Murugan,
No.892A/1, Meenachi Sundharam Nagar,
K.T.C.Nagar,
Panaankulam,
Nanguneri Taluk,
Tirunelveli District.

Case QR

..Petitioner(s)

Vs

State rep by The Inspector of Police
Periyathatchur Police Station,
Villupuram District.
Crime No.98 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS praying to enlarge the petitioner on bail in connection with the case in Crime No.98 of 2026 pending investgation on the file of the respondent police and thus render justice.

For Petitioner(s): Mr.A.Saravanan

For Respondent(s): Mr.M.M.I.Khaleel
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on **20.06.2026** for the alleged offences punishable under **Sections 61(2)(a), 318(4), 351(2) of BNS, 2023** in Crime No. 98 of 2026 on the file of the respondent

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police, seeks regular bail.

2. It is a case of cheating involving a hired JCB vehicle. The petitioner is the third accused. According to the prosecution, the de facto complainant bought the JCB on a bank loan and rented it out for hire. On 10.12.2025, the first accused and others took the vehicle on hire under an agreement and paid Rs. 5 Lakhs; however, they never returned the vehicle, and its whereabouts are not known. Based on the complaint, an FIR was registered, and the petitioner was remanded to judicial custody on 12.10.2026.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case and he is only the friend of the first accused and further submitted that co-accused was granted bail. He further undertakes that the petitioner will strictly abide by any stringent conditions imposed by this Court and will co-operate with the investigation.

4. The learned Government Advocate (Criminal Side) appearing for the respondent state strongly opposes the grant of bail and also submitted that the petitioner has no similar previous cases.

5. It is seen that the specific overt act is attributed only as against the first accused and now he is absconding and there is no overt act as against other

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accused. Furthermore, 2nd accused in this case was granted bail. . Considering the facts and circumstances of the case and the period of incarceration undergone by the petitioner, this Court is inclined to grant regular bail to the petitioner, subject to strict conditions to ensure his presence during investigation and trial.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 No.2, Tindivanam** and on further conditions that:

[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 report before the respondent police daily at 10:30 A.M. for a period of thirty days and thereafter as and when required for interrogation;

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

[d] the petitioner 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 petitioner in accordance with law as if the

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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];**

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

[g] It is made clear that the grant of bail to the petitioner and the 2nd accused will not enure any benefit to the 1st accused.

23-11-2026

SMA

To

1. Judicial Magistrate No.2, Tindivanam.

2. The Inspector of Police
Periyathatchur Police Station,
Villupuram District.

3. The Superintendent,
Sub Jail, Tindivanam

4. The Public Prosecutor,
Madras High Court.

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N.RAMESH, J.

SMA

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