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CRL OP No. 33770 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 33770 of 2025

Senthilkumar

..Petitioner(s)

Vs

State rep. by
The Inspector of police
City Crime Branch-II,
Coimbatore,
Cr.No. 30/2025.

..Respondent(s)

A.S.Babu @ Shanmugam

..Intervener(s)

[Permitted to intervene vide order dated 09.04.2026 made
in Crl.M.P.No.2918/2026 in Crl.O.P.No.33770/2026]

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to grant bail to the petitioner in the event of his arrest by the respondent police in Cr.No. 30/2025 pending investigation on the file of the respondent police.

For Petitioner(s): M/S. M Jaikumar

For Respondent(s): Mr.P.Dhileepan
Government Advocate
(Criminal Side)

For Intervener(s): Mr.R.Swarnavel



ORDER

The petitioner, who apprehends arrest by the respondent police for offences punishable under Sections 318(4) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, r/w Section 4 of the Tamil Nadu Prohibition of Charing Exorbitant Interest Act in Crime No. 30 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, facing financial crises, borrowed money from the accused at interest. At the accused's demand, the complainant's wife executed a sale deed in respect of her property as security. Despite the complainant consistently paying interest, the accused allegedly demanded exorbitant rates. Upon refusal, the accused mutated the revenue records in his name with the intent to grab the property.

3. The learned counsel for the petitioner would submit that an FIR was registered on 05.11.2025 following a direction from the learned Magistrate. He contends that the dispute is purely civil in nature, evidenced by the pending suit in O.S. No. 59 of 2023 before the District Munsif, Sulur. He further points out that while the alleged occurrences span from 2015 to 2025, the complaint was filed belatedly. He asserts that the petitioner has been falsely implicated and that custodial interrogation is unnecessary.



4. The learned counsel for the intervener opposes the petition, and submitted that the property was worth one crore in 2015, yet the sale consideration was fixed at only 50 lakhs, which demonstrates an intent to cheat. He submits that the petitioner, acting as a financier, followed a local practice of taking sale deeds as security for loans but has now refused to reconvey the property despite repayment offers.

5. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner has allegedly involved in mutation of revenue records. However, he also confirmed that the petitioner has no previous bad antecedents.

6. Considering the nature of the allegations, particularly that the dispute arises from a loan transaction and a long-standing property arrangement dating back to 2015, and noting the pendency of a civil suit between the parties, this Court is of the view that the matter is primarily civil in nature. Given that the petitioner has no prior criminal record and custodial interrogation is not required, this Court is inclined to grant anticipatory bail with 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 Court No.VII, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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(s) fails to surrender before the concerned learned 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(s) shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) On breach of any of the aforesaid conditions, the



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learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner(s) 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]***;

(f) If the petitioner(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

**09-04-2026
(2/2)**

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

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To

- 1.The Judicial Magistrate Court No.VII, Coimbatore.
- 2.The Inspector of police, City Crime Branch-II, Coimbatore
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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