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CRL OP No. 856 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

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THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 856 of 2026

G.S.Jayaram

..Petitioner

Vs

The State Rep By,
The Inspector of Police,
C.C.B. EDF Wing-II, Avadi Commissionerate Office,
Avadi, Thiruvallur District. (Cr.No. 51/ 2025)

..Respondent

Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the Petitioner on Bail in the event of his arrest by the Respondent Police in Crime No.51 of 2025 pending investigation on the file of the Respondent Police.

For Petitioner :	Mr. M P Saravanan
For Respondent :	M/s. J.R. Archana, Government Advocate (Crl.side)
For Intervener :	Mr. V. Venkatesan

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 120(B), 419, 420, 465, 467, 468 and 471 of the Indian Penal Code (IPC), 1860, in Crime No.51 of 2025, on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that he, along with two other accused, projected that the accused/A3 was the owner of a certain land and represented themselves as the land owners. By such representation, they obtained a sum of Rs.35,50,000/- from the defacto complainant on different dates through various bank transactions. Out of the said amount, Rs.20,50,000/- was paid to one Mr. Muthukumar/A2 and Rs.15,00,000/- was paid to one Ms. Shanmathi Selvam/A3. Separate sale agreements were executed.

2.1 Subsequently, when the defacto complainant requested registration in March 2024, the accused persons delayed the process. Later it came to light that the land did not belong to A3 and that the same property had already been sold to one Mr. S.Sudhakar. On suspecting fraud and double sale of the property, the defacto complainant cancelled the agreement and sought refund of the amount paid by them.

2.2 It is further alleged that this petitioner collected a sum of Rs.7,00,000/ from the said Sudhakar claiming himself as owner of the very same property. Further, the accused/A2 and A3, who have collected money from the defacto complainant, have repaid Rs.7 Lakhs to the said S.Sudhakar to save this petitioner. Since the said S. Sudhakar has lodged a separate complaint against the petitioner. Hence, the present complaint has been lodged against the petitioner for cheating the defacto complainant.



3. The learned counsel for the petitioner submitted that the petitioner is merely acted as a mediator to negotiate the transaction and handed over to the amounts to A2 and A3. He was not aware of the ownership of the property and only collected the money from the defacto complainant. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and undertakes to deposit a sum of Rs.7 Lakhs to the credit of Crime No.51 of 2025 and ready to appear, and co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervener submitted that the petitioner by conniving with the other accused and collected the money from the defacto complainant by falsely projecting that the land belonged to A3. It is further submitted that the petitioner also collected money from one Sudhakar. There are two complaints lodged against the petitioner and if the anticipatory bail is granted to the petitioner, he may tamper with evidence and hamper the investigation. Hence, he strongly opposed the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that though it is alleged that money was collected from the defacto complainant, it is admitted on behalf of the petitioner that he paid a sum of Rs.7 Lakhs to the above said Sudhakar, who is also one of



the complainants. Since the investigation is pending, he opposed to grant anticipatory bail to the petitioner.

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6. Considering the facts and circumstances of the case, particularly the allegation that the petitioner has cheated one Sudhakar and the defacto complainant and also taking into account the submission that a sum of Rs.7,00,000/- has been paid to Sudhakar and that the petitioner has expressed his willingness to repay a sum of Rs.7 Lakhs to the defacto complainant, 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 made ready, before the **learned Judicial Magistrate No.1, Poonamallee**, 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 condition:

(a) The petitioner shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the credit of Crime No.51 of 2026 on the file of the respondent police within a period of fifteen four weeks from today, failing which, anticipatory bail granted to the petitioner shall stand dismissed automatically;



(b) On deposit of the money as ordered above, the sureties shall be accepted by the learned Magistrate concerned and the deposited money shall be re-deposited in any one of the Nationalised Bank and the same shall be disbursed at the time of conclusion of Trial or any settlement arrived between the parties;

(c) The sureties shall affix their photographs and left thumb impression in the application for suretyship (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;

(d) The petitioner shall report before the respondent police everyday at 10:30 A.M., for a period of three weeks and thereafter, as and when required for interrogation;

(e) 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 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 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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K.RAJASEKAR, J.

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To

1. The Judicial Magistrate No.1, Poonamallee.
2. The Inspector of Police,
C.C.B. EDF Wing-II, Avadi Commissionerate Office,
Avadi, Thiruvallur District.
3. The Public Prosecutor, High Court of Madras, Chennai.

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