



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 35993 of 2025

1. Venkatesh K Chellam

2. Hamsaveni

..Petitioner(s)

Vs

The State Rep.by, The Inspector of Police,
City Crime Branch Police Station,
Salem City.
(Crime No.22 of 2025)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to enlarge the petitioners on bail in the event of their arrest in Crime No.22 of 2025 on the file of the Inspector of Police, City Crime Branch Police Station, Salem City i.e., respondent police, on such terms and conditions.

For Petitioner(s): Mr.Mukund Rao K

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

ORDER

The petitioners apprehend arrest for the alleged offences under Sections 120(B), 418, 420 of IPC, 1860 in Crime No.22 of 2025 on the file of the respondent police seek anticipatory bail.

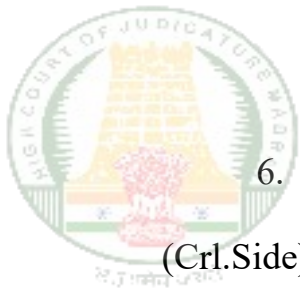


2. It is the case of the prosecution that based on the complaint of the de facto complainant, the first petitioner (owner) and the second petitioner (Manager of M/s.MKV Engineering) induced the complainant to purchase a flat through false promises. The complainant allegedly paid a sum of Rs.60,95,000/-, but the petitioners, in conspiracy with others, mortgaged the property, defaulted on the loan, failed to execute the sale deed and did not refund the amount. Hence the complaint.

3. The learned counsel for the petitioner submitted that the present case arises out of a civil dispute between the petitioners and the de facto complainant and has been falsely foisted upon the petitioners. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court and the petitioners are ready to co-operate for investigation. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing grant of anticipatory bail to the petitioners submitted that the first petitioner / A1 is having one previous case of similar nature to his credit and the second petitioner / A3 has no bad antecedents.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.



6. From the submissions made by the learned Government Advocate (Crl.Side) it is seen that, the first petitioner has got one previous case of similar nature against him and the second petitioner has no bad antecedents against her and if the first petitioner is enlarged on anticipatory bail, he would misuse the liberty granted to him and commit the very same offence in future as well. Insofar as the second petitioner is concerned, she is a women and taking into consideration the fact that there are no bad antecedents against her, this Court is inclined to enlarge the second petitioner namely Hamsaveni on anticipatory bail subject to certain conditions. In respect of the first petitioner namely Venkatesh.K.Chellam, this Court is not inclined to grant anticipatory bail.

7. Accordingly, the second petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.2, Salem District**, on condition that **the petitioner shall execute 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 Magistrate concerned, and on further conditions:

(a) If the second petitioner fails to surrender before the concerned 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 second petitioner shall sign before the respondent police daily at 10.30 a.m., and 5.30 p.m., for a period of four weeks 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]*;

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

8. In result, this criminal original petition is **ordered** in respect of the **second petitioner** and is **dismissed** in respect of the **first petitioner**.

17-03-2026

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To

1. The Inspector of Police,
City Crime Branch Police Station,
Salem City.

2. The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate No.2, Salem District



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C.KUMARAPPAN, J.

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