



CRL OP(MD) No.4225 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	03.03.2026
Pronounced On	:	23.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).Nos.4225 and 4440 of 2026

and

Crl.M.P.(MD).No.4666 of 2026

Crl.O.P.(MD).No.4225 of 2026

1.Jai Balaji

2.Kalavathi

... Petitioners

Vs

The State Rep.By,
The Inspector of Police,
CCB Police Station,
Madurai City,
Madurai.
(Cr.No.64 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioners/Accused Nos.1 and 2 on bail in Crime No.64 of 2025 on the file of the respondent police.

For Petitioners : Mr.Niranjan S.Kumar

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

:Mr.K.P.S.Palanivel Rajan
Senior Counsel for

:Mr.S.Ram Sundarvijayraj for intervenor



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CrI.O.P.(MD).No.4440 of 2026

1.Saravanasundar

2.M.Ramakrishnan

3.P.S.S.Bagyalakshmi

4.A.Nagalingam

... Petitioners

Vs

The State Rep.By,
The Inspector of Police,
S.S.Colony Police Station,
S.S.Colony, Madurai.
(Cr.No.54 of 2026)

... Respondent

PRAYER:- This petition has been filed under Section 482 of BNSS to grant Anticipatory bail to the petitioners herein/Accused (rank Not Known) in the event of their arrest or surrender in Crime No.54 of 2026 on the file of the respondent police.

For Petitioners : Mr.Niranjana S.Kumar

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

COMMON ORDER

The petitioners, who were arrested and remanded by the respondent police for the offences punishable under Sections 318(4) and 351(3) of BNS (*Corresponding Sections 420 and 506(ii) of IPC*), in Crime No.64 of 2025, on the file of the respondent police, seeks bail in CrI.O.P.(MD).No.4225 of 2026.



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2. Discussion on the plea of bail in Crl.O.P.(MD).No.4225 of 2026

The *defacto* complainant is the Administrative Director of Viskas Promoters, a firm engaged in the business of construction and sale of residential buildings. During the year 2024, the de facto complainant promoted a layout development project near Ponmeni. At that stage, the petitioner No.1, who has been arrayed as Accused No.1, is alleged to have approached the de facto complainant and made representations that he wields considerable political influence and had close acquaintance with the Mayor and the husband of the Mayor. It is further alleged that the petitioner No.1 represented that he was closely associated with a sitting Minister and that, through such political influence, he would facilitate obtaining of necessary permissions and infrastructural facilities required for the project, including underground sewage connection, common road access, and drinking water connection. Relying upon such representations, the de facto complainant was allegedly induced by the petitioner No.1, to transfer two flats in favour of the petitioner No.1, in the name of his wife, who has been arrayed as Accused No.2, for a substantially lesser consideration. It is further alleged that the petitioner also obtained a sum of Rs.50,00,000/- in addition to securing the sale deeds for the said flats at a reduced value. According to the prosecution, the petitioner No.1 had made such representations dishonestly and with the intention to deceive the de facto



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complainant from the inception. Despite obtaining the monetary benefit and the transfer of the flats, the petitioner allegedly failed to fulfil his promise of securing the underground sewage facility, road access, and drinking water connection for the said project. Consequently, the de facto complainant is said to have suffered financial loss due to the alleged misrepresentation and deception. On the basis of the said allegations, a complaint came to be lodged, and the same was registered as Crime No.64 of 2025 for the offences stated therein. Subsequently, the petitioners were arrested by the respondent police.

3.The learned counsel appearing for the petitioners submitted that though the FIR was registered in the year 2025, the petitioner was surprisingly arrested on 05.02.2026 allegedly due to political pressure. It is contended that the petitioner and his wife were intimidated while they strolled along the road. The learned counsel further submitted that the petitioners had already moved an application for anticipatory bail before this Court. However, the said application came to be dismissed on the ground that the petitioner had already been remanded to judicial custody. According to the learned counsel, such remand was effected only later in the evening after the matter had been mentioned before this Court, thereby suppressing the filing of anticipatory bail. It is further contended that there has been total non-compliance with the



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guidelines laid down by the Hon'ble Supreme Court in ***D.K.Basu v. State of West Bengal*** and other subsequent decisions governing arrest and detention procedures. The learned counsel for the petitioner would further submit that the entire materials relied upon by the prosecution are documentary in nature and already available with them, and therefore there was no necessity to effect the arrest of the petitioner. It is also contended that the arrest was politically motivated and it is illegal. It was further submitted that the 1st petitioner had been in judicial custody for a considerable period. Therefore, the petitioners are entitled to pre trial bail as held by the Hon'ble Supreme Court in various judgments.

(i) In the case of ***Ashish Kakkar vs. UT of Chandigarh reported in 2025 Live Law (SC) 367***

(ii) In the case of ***Vijay Pal Yadav vs. Mamta Singh and Ors reported in 2025 Live Law (SC) 380***

(iii) In the case of ***Directorate of Enforcement vs. Subhash Sharma in S.L.P.(Criminal).No.1136 of 2023***

(iv) In the case of ***Satender Kumar Antil vs. Central Bureau of Investigation and another in S.L.P.(crl).No.5191 of 2021***

(v) In the case of ***Vihaan Kumar vs. State of Harayana & another reported in 2025 Live Law (SC) 169***



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(vi) In the case of *Mihir Rajesh Shah vs. State of Maharashtra and another* reported in *2025 Live Law (SC) 1066*

(vii) In the case of *Ahmed mansoor and others vs. The State rep by Assistant Commissioner of Police and another* reported in *2025 Live Law (SC) 1026*

4. Per contra, the learned Additional Public Prosecutor, on instructions from the Investigating Officer, submitted that the petitioner had not only obtained the sale deeds for the flats at a lesser value by exerting pressure upon the de facto complainant, but had also been involved in several other criminal cases. It is further submitted that the petitioner had cheated the public by promoting a finance company and that he is the main accused in the said case. The prosecution would also contend that the petitioner had collected large sums of money from various persons by falsely representing that he was closely associated with the husband of the Mayor and that he was acting as the Personal Assistant to a sitting Minister. The learned Additional Public Prosecutor therefore submitted that, considering the nature of the allegations and the stage of investigation, the petitioner should not be enlarged on bail.



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5.The learned Senior Counsel, Thiru.K.P.Palanivel Rajan, appearing for the de facto complainant, reiterated the submissions of the learned Additional Public Prosecutor. He further submitted that the petitioner is an influential person who has cheated not only complainant but also several other persons, and that he has allegedly feathered his nest through such activities. It was also submitted that the petitioner had received a sum of Rs.50,00,000/- from the complainant for arranging underground sewage and other facilities, apart from obtaining sale deeds for the flats at a reduced value by intimidating and making false promises. In view of the magnitude of the financial fraud and using proceeds of crime action under the Prevention of Money Laundering Act, 2002 may also be warranted. On the above grounds, the learned Senior Counsel sought dismissal of the bail petition.

6.This Court considered the rival submissions made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the intervenor and perused the materials available on record and the precedents relied upon by both parties.



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7. Nowadays some politicians and political intermediaries exert undue influence over real estate promoters. Such persons to compel the promoters to pay illegal gratification and, in some instances, criminally intimidate them into executing sale deeds in respect of flats at prices substantially below the prevailing market value. These acts are often accompanied by false assurances that necessary approvals and permissions would be secured from the Corporation and other concerned governmental departments. Relying on such representations, promoters are forced to execute and register sale deeds for a meagre consideration. However, after obtaining the registration, the persons concerned allegedly fail to fulfil the promises made at the time of execution of the sale deed. The present case is alleged to be on of such instances.

8. Considering the gravity of the allegations that the petitioners projected themselves as close associates of the sitting Mayor of the Madurai Corporation and, by wielding such purported political influence, extracted money from the de facto complainant and obtained sale deeds for consideration far below the market value on the assurance of securing necessary permissions from the Corporation for providing civic amenities to the proposed layout; and further considering that, subsequent to the registration of the criminal case, the



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petitioners are alleged to have instigated their associates to approach the de facto complainant and threaten him to withdraw the complaint, leading to the registration of another FIR in Crime No. 54 of 2026, in which two more accused are absconding; and also taking into account that the first petitioner is involved in another economic offence involving large-scale cheating of the public, for which a case has been registered under the Tamil Nadu Protection of Interests of Depositors Act in Crime No. 2 of 2019 on the file of EOW, Vellore; and in view of the serious objections raised by the de facto complainant and the prosecution that the first petitioner has not only cheated the de facto complainant in the present case but has also cheated the general public through various malpractices, and that the investigation is still at a nascent stage, this Court is not inclined to grant bail to the petitioner. It is well settled that the period of incarceration cannot, by itself, be a ground for granting bail, particularly in cases involving economic offences of this magnitude, which have wider ramifications on the public at large.

9. It is also well settled, bail is discretionary relief. It is the duty of the bail Court, to consider the materials and to exercise its discretion to grant bail. While considering the discretion, the bail Court is duty bound to consider the following conditions:



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(i) the nature of accusation and the severity of the punishment in case of conviction and the nature of the materials relied upon by the prosecution;

(ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses;

(iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence;

(iv) character, behaviour and standing of the accused and the circumstances which are peculiar to the accused;

(v) larger interest of the public or the State and similar other considerations.

10. In view of the above discussion, as A2 is also involved in the occurrence and is alleged to have enjoyed the ill-gotten money, and in light of the subsequent registration of the FIR alleging that the de facto complainant was threatened to withdraw the case, this Court is not inclined to grant bail to both the petitioners in Crl.O.P.(MD) No. 4225 of 2026.

11. Discussion on the plea of anticipatory bail in Crl.O.P.(MD).No. 4440 of 2026

11.1. The petitioners are said to have trespassed into the house of the de



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facto complainant and criminally intimidated her to withdraw the complaint in Crime No. 64 of 2025. Hence, the respondent police registered a case in Crime No. 54 of 2026 under Sections 329(4), 296(b), 115(2), and 351(3) of the BNS, and Section 4 of the TNPHW Act.

11.2. In view of the circumstances and the nature of the allegation of criminal intimidation, allegedly made to compel withdrawal of the earlier complaint, this Court is not inclined to grant anticipatory bail to the petitioners in the said petition. The contention of the petitioners that one of them had not entered the house and that, upon being informed of his absence, the others left the premises, is a matter of defence. At this stage, such submissions cannot be considered, as they involve disputed questions of fact that require adjudication during trial. Having regard to the seriousness of the allegations, and considering the principles underlying witness protection and the necessity to ensure a fair and uninfluenced investigation, this Court finds no merit in the present petition in Crl.O.P.(MD) No. 4440 of 2026.

12. Accordingly, the Crl.O.P.(MD).No.4440 of 2026 stands dismissed.

23.03.2026

sbm

Note: Issue order copy on 23.03.2026



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To

- 1.The Judicial Magistrate Court No.I,
Madurai.
- 2.The Inspector of Police,
City Crime Branch Police Station,
Madurai City,
Madurai.
- 3.The Superintendent
Central Prison for Women, Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN.J,

sbn

Crl.O.P.(MD) Nos.4225 and 4440 of 2026
and
Crl.M.P.(MD).No.4666 of 2026

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