



CRL OP(MD). No.4271 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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S.Jayaprakash @ Jeyaprakasan

... Petitioner / Sole Accused

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Aundipatti Police Station,
Theni District.
(Crime No.203 of 2026)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 482 of the BNSS, 2023, to enlarge the petitioner on bail in the event of arrest in Crime No.203 of 2026 on the file of the respondent police or on his appearance.

For Petitioner : Mr.C.Jeganathan

For Respondent : Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

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The petitioner/Accused, who apprehends arrest at the hands of the respondent police in Crime No.203 of 2026 for the offences punishable under Sections 336(3), 318(4), 126(2), 118(1) and 351(3) of the BNS, 2023, seeks anticipatory bail.

2. The case of the prosecution is that the *defacto* complainant alleged that he had availed an agricultural loan of about Rs.2,50,000/- for the installation of an electric motor from M.Subbulapuram Primary Agricultural Co-operative Credit Society by mortgaging the agricultural land standing in the name of his wife. It is further alleged that though the loan was sanctioned for Rs.2,50,000/-, he had received only a sum of Rs. 63,892/-. It is also alleged that the petitioner, being the Secretary of the Cooperative Society, had given false assurances and prepared forged and fabricated records as if the entire loan amount had been disbursed. Hence, above case was registered for alleged above offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and that he has not committed any



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offence as alleged by the prosecution. He further submitted that the loan was granted upon execution of the mortgage. Since the defacto complainant committed default in repayment, arbitration proceedings were initiated in terms of the loan agreement and an auction notice was subsequently issued. Thereafter, the defacto complainant repaid the loan amount during the pendency of the arbitration proceedings. However, in order to avoid the recovery and execution proceedings, the present complaint has been lodged. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the mortgage deed was obtained and the loan amount was swindled by the officer concerned, which came to light during the course of investigation. Hence, he objected to the grant of anticipatory bail to the petitioner.

5. This Court heard the learned counsel on either side and perused the materials placed on record.



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6. Petitioner was secretary of society. Admittedly, the loan was obtained by the defacto complainant and the same was subsequently defaulted, pursuant to which arbitration proceedings were initiated. In such circumstances, this Court does not find sufficient materials warranting the custodial interrogation of the petitioner. Therefore, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which the order made ready, before the learned Judicial Magistrate Court, Andipatti, on condition that the petitioner shall execute a bond for a sum of Rs. 10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and



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the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear and sign before the respondent police daily at 10.30 a.m. for a period of fifteen (15) days and thereafter, as and when required for interrogation. He has to co-operate for the investigation;

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners 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) AIR SCW 5560]*; and

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

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To

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1. The Judicial Magistrate Court,
Andipatti.
2. The Inspector of Police,
Aundipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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ORDER
IN
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