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CRL OP(MD) Nos.4852 and 4831 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	05.03.2026
Pronounced On	:	09.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P(MD).Nos.4852 and 4831 of 2026

CrI.O.P.(MD).No.4852 of 2026

Reegankumar

... Petitioner

Vs

The State Rep.By,
The Inspector of Police,
District Crime Branch,
Tenkasi.
(Cr.No.6 of 2026)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS to enlarge the petitioner/accused on bail in Crime No.6 of 2026 dated 10.02.2026 on the file of the respondent police by allowing this application.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervener : Mr.G.Sujeeth
for Intervener



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WEB C CrI.O.P.(MD).No.4831 of 2026

1.Petchiyammal

2.Priyanka

... Petitioners

Vs

The State Rep.By,
The Inspector of Police,
District Crime Branch,
Tenkasi.
(Cr.No.6 of 2026)

... Respondent

PRAYER:- This petition has been filed under Section 483 of BNSS/ 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.6 of 2026 on the file of the respondent police.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervener : Mr.G.Sujeeth
for Intervener



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ORDER

The petitioner in **Crl.O.P.(MD).No.4852 of 2026** and the petitioners in **Crl.O.P.(MD).No.4831 of 2026** are accused in **Crime No.6 of 2026**, on the file of the respondent police for the alleged offences under **Sections 316(2), 318(4), and 61(2) of the Bharatiya Nyaya Sanhita, 2023**.

2.The petitioner in **Crl.O.P.(MD).No.4852 of 2026** is arrayed as **A1** in the above crime. The first petitioner in **Crl.O.P.(MD).No.4831 of 2026**, namely, Petchiymmal, is arrayed as **A2**, and her daughter **Priyanka** is arrayed as **A3**.

3.According to the prosecution, A1 to A3 entered into a criminal conspiracy and executed a sale agreement dated **04.10.2024** in favour of the *defacto* complainant by falsely representing that A2 and A3 were the absolute owners of the property described in the agreement. Believing the said representation, the *defacto* complainant paid an advance amount of **Rs.30,00,000/-**. It is further alleged that A1, who is an advocate, actively participated in the transaction and made false representations regarding the ownership of the property belonging to A2 and A3, thereby inducing the *defacto* complainant to part with the advance amount with dishonest intention.



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Alleging that the accused persons had cheated the *defacto* complainant, the respondent police registered the above case on the basis of the complaint and the sale agreement. Subsequently, **A1 was arrested and remanded to judicial custody on 20.01.2026** and has been in incarceration since then.

4.The petitioners/A2 and A3 have filed CrI.O.P.(MD).No.4831 of 2026 seeking anticipatory bail apprehending arrest in connection with the above crime. A1 has filed CrI.O.P.(MD).No.4852 of 2026 seeking regular bail.

5.The learned counsel for the petitioners would submit that the dispute between the parties is purely **civil in nature** arising out of an agreement for sale and there is absolutely **no element of criminality** is involved in the transaction. According to the learned counsel, the *defacto* complainant has attempted to give a **criminal profile to a civil dispute** without any incriminating material. It is further submitted that A2 and A3 are the bona fide owners of the property and they possess valid title documents. They have also filed a suit in **O.S.No. 187 of 2025** seeking a decree of permanent injunction restraining the *defacto* complainant from recovering the advance amount allegedly paid under the agreement. Therefore, the initiation of criminal proceedings is nothing but an **abuse of process of law**. The learned counsel further relied upon a judgment of



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the Hon'ble Supreme Court in the case of *Delhi Race Club (1940) Limited and others vs. State of Uttar Pradesh and another* reported in (2024) 10 SCC 690 and contended that **mere breach of contract cannot give rise to criminal prosecution unless the ingredients of cheating are made out from the inception of the transaction.** Hence, the petitioners seek grant of bail.

6.Per contra, the learned Additional Public Prosecutor submitted, on instructions, that the property covered under the alleged sale agreement is in fact a **Housing Board property reserved as Open Space (OS) area meant for public purpose**, which is government property. Knowing fully well that the property belongs to the Government and cannot be sold, the accused persons created documents and executed the sale agreement in favour of the *defacto* complainant and received a huge sum as advance.

7.According to the prosecution, all the accused persons had **knowledge that the property did not belong to them** and still induced the *defacto* complainant to part with money. Hence, the ingredients of **cheating and criminal breach of trust** are clearly made out. Further, despite repeated demands, the accused failed to return the advance amount, which attracts the offence under the relevant provisions.



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8. The learned Additional Public Prosecutor further submitted that **A1, an advocate, has several criminal antecedents and more than 18 previous cases are pending against him**, including a case relating to causing injuries to his own wife. Therefore, considering his antecedents and conduct, he is not entitled to the discretionary relief of bail.

9. The learned counsel appearing for the *defacto* complainant reiterated the submissions of the learned Additional Public Prosecutor and further submitted that relatives of A1 have **criminally intimidated the defacto complainant and the witnesses**, demanding withdrawal of the complaint. It was also alleged that threats were hurled stating that if A1 comes out on bail, the *defacto* complainant would face serious consequences and even danger to life. The learned counsel appearing for the *defacto* complainant further submitted that the grant of bail to A1, who is an advocate, would be a threat to the life of the witnesses, as there is a real apprehension that the witnesses may be threatened or influenced. He therefore reiterated the necessity of extending protection to the witnesses under the **Witness Protection Scheme**.



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10.By way of reply, the learned counsel for the petitioners submitted that the allegation regarding the subsisting threat has not been made by A1 as such. Even upon perusal of the materials and documents relied upon by the *defacto* complainant, there is no incriminating material to show that the petitioners had instigated or induced any person to criminally intimidate the *defacto* complainant or the witnesses.

11.It was further submitted that the previous criminal cases pending against A1 do not relate to any grievous or heinous offences but arose out of protest-related cases and a family dispute between A1 and his wife. In such circumstances, the learned counsel prayed for grant of bail.

12.This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials placed on record, including the case diary produced by the prosecution.

13.According to the prosecution, the property which forms the subject matter of the sale agreement is a **Housing Board property reserved as Open Space Reservation (OSR) land meant for public purpose**. Despite knowing that the property belongs to the Government and cannot be alienated, A2 and



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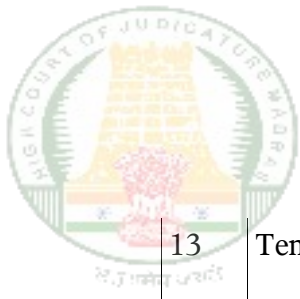
A3 allegedly entered into a sale agreement with the *defacto* complainant and received a sum of **Rs.30,00,000/-** as advance. The prosecution further alleges that the entire transaction was carried out with the **active participation and connivance of A1, who is stated to be an advocate**, and that he made representations regarding the ownership of the property by A2 and A3, thereby inducing the *defacto* complainant to enter into the agreement. In the said circumstances, the documents annexed with the sale agreement matters more. The prosecution has contended that custodial interrogation of the accused persons is necessary to unearth the incriminating materials relating to the alleged fabrication of documents and the illegal attempt to alienate valuable Government property reserved for public purpose. Considering the seriousness of the allegations and the nature of the property involved, namely Government land reserved as OSR land in a Housing Board layout, this Court is of the view that the investigation must be allowed to proceed effectively and the custodial interrogation of the accused is required at this stage. Therefore, this Court is not inclined to grant anticipatory bail to **A2 and A3**, and accordingly, Crl.O.P. (MD).No.4831 of 2026 **stands dismissed**.



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14. So far as the bail petition filed by **A1**, namely the advocate, is concerned, this Court has perused the criminal antecedents placed before this Court. He is history sheeted rowdy in H.S.No.354 of 2016 and still retained. The allegations against A1 are serious in nature, particularly that he actively induced the *defacto* complainant to purchase the property by producing documents purportedly showing the ownership of A2 and A3. Further, there are allegations that relatives of A1 had threatened the *defacto* complainant and the witnesses to withdraw the complaint. This Court has also taken note of the following criminal antecedents of A1:

S.No	Police Station	Crime No	Offences Punishable Under Section	Remarks
1	Surandai	60/2019	147, 420, 467, 468, 506(i) of IPC @ 109, 147, 420, 467, 468, 471, 506(i) of IPC	Pending trial
2	Surandai	201/2015	294(b), 387, and 506(ii) of IPC	Disposed
3	Tenkasi	564 of 2025	4 of TNPHW Act, 191(2), 296(b), 351(2) of BNS	Pending trial
4	Tenkasi	601 of 2024	126(2) and 189 (2) of BNS	Pending trial
5	Tenkasi	246 of 2021	294(b), 324, 427, 506(i) of IPC @ 294(b), 323, 324, 427 and 506(i) of IPC	Disposed
6	Tenkasi	480 of 2020	143 and 270 of IPC	Ref
7	Tenkasi	473 of 2020	143 and 270 of IPC	Ref
8	Tenkasi	468 of 2020	143 and 270 of IPC	Ref
9	Tenkasi	395 of 2020	143, 270 and 283 of IPC	Ref
10	Tenkasi	333 of 2019	294(b), 341, 392, 397 and 506(ii) of IPC	Pending trial
11	Tenkasi	27 of 2019	4 of TNPPDL Act, @ 435 of IPC	Pending trial
12	Tenkasi	26 of 2019	109, 294(b) and 380 of IPC and Section 3 and 4 of TNPPDL Act.	NTF



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13	Tenkasi	296 of 2015	294(b), 506(ii) of IPC and Section 4 of TNPHW Act,	Pending Trial
14	Tenkasi	79 of 2015	110(e) of Cr.P.C	Disposed of
15	Tenkasi	404 of 2013	147, 188 and 285 of IPC	Disposed of
16	Kalakad	335 of 2015	151 Cr.P.C.,	Ref
17	Manur	431 of 2020	323, 341, 506(i) of IPC @ Section 4 of TNPHW Act	Pending Trial
18	Tharapuram Thirupur District	287 of 2017	417 and 420 of IPC and Section 170, 417, 420 of IPC	Pending Trial
Tenkasi Police Station, Rowdy, History Sheet No.354 of 2016				

In one such case, there is an allegation that A1 had assaulted his wife in a public place by kicking her while she was riding a two-wheeler, for which a case was registered under **Sections 341, 294(b), 323 and 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.** Having regard to the criminal antecedents of A1 and the allegations regarding intimidation of the witnesses, this Court is of the view that if A1 is released on bail at this stage, there is a reasonable apprehension that the witnesses may be influenced or intimidated. Considering the multiple criminal antecedents and the necessity to safeguard the interest of the witnesses, this Court is not inclined to grant bail to A1 at this stage.



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15. Accordingly, Crl.O.P.(MD).No.4852 of 2026 stands dismissed.

However, liberty is granted to the petitioner/A1 to **renew the bail application after the examination of the material witnesses during trial.**

09.03.2026

sbm

To

1. The Inspector of Police,
District Crime Branch,
Tenkasi.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN.J,

sbn

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