



CRL OP(MD). No.5105 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Sarojini

... Petitioner / Accused No.1

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.2 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.2 of 2026 on the file of the respondent police or on his appearance.

For Petitioner : Mr.G.Mathavan

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

For Intervener : Mr.R.Muthuram



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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.2 of 2026 for the offence punishable under Sections 318(4) and 336(2) of the Bharatiya Nyaya Sanhita, 2023, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, along with other accused, allegedly cheated the defacto complainant by receiving a sum of Rs.8,00,000/- on the promise of securing a job in the Health Department. However, after receiving the amount, they failed to provide the promised employment, and thereby, a complaint came to be lodged before the respondent police. Based on the same, a case has been registered against three persons, including the petitioner, for the alleged offences.

3. The learned counsel for the petitioner would submit that the petitioner was earlier arrested and subsequently released on bail by the learned Judicial Magistrate, subject to certain conditions, including appearance before the Court. However, due to his medical condition and



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other personal circumstances, the petitioner could not comply with the conditions, and consequently, the bail granted to him was cancelled by order dated 03.03.2026. It is further submitted that the certified copy of the said cancellation order is yet to be made ready, and therefore, the petitioner is unable to challenge the same before the appellate forum. In the meantime, apprehending arrest, he has filed the present petition. The learned counsel would also submit that the petitioner is suffering from cancer and has a minor child aged about 4 years. According to the prosecution, the petitioner is alleged to have received a sum of Rs. 5,00,000/-. Out of the said amount, the petitioner has already repaid a sum of Rs.2,70,000/- and is ready and willing to pay the remaining sum of Rs.2,30,000/-. Accordingly, he prayed for grant of anticipatory bail to the petitioner.

4. *Per contra*, the learned counsel for the defacto complainant as well as the learned Additional Public Prosecutor strongly opposed the petition contending that the present petition is not maintainable, especially when the earlier bail granted to the petitioner has been cancelled by the trial Court. Accordingly, they objected to the grant of



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anticipatory bail to the petitioner.

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5. This Court, upon considering the submissions made on either side and on perusal of the records, finds that the bail granted earlier to the petitioner was cancelled on 03.03.2026. It is the specific case of the petitioner that the certified copy of the said order has not yet been made ready, thereby preventing him from approaching the higher forum. In such circumstances, this Court is inclined to hold that the present petition is maintainable, particularly in view of the apprehension of arrest and the inability of the petitioner to challenge the cancellation order for want of a certified copy. On merits, it is seen that the allegation pertains to cheating involving a sum of Rs.8,00,000/-. The fact that a sum of Rs. 2,70,000/- has already been repaid is not in serious dispute. Further, considering the medical condition of the petitioner and the fact that he has a minor child aged about 4 years, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance,



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within a period of fifteen days from the date on which the order made ready, before the learned Judicial Magistrate No.I, Tirunelveli, 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 the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.2,30,000/- (Rupees Two Lakhs and Thirty Thousand only) to the credit of the Crime No.2 of 2026 on the file of the respondent-police, before the learned Judicial Magistrate No.I, Tirunelveli, within a period of fifteen days (15) from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.2 of 2026. The learned Judicial Magistrate or Trial Court shall pass



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orders *qua* entitlement of the said amount in its final order /
Judgment;

(c) 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;

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

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

(f) 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

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

11.03.2026

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To
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- 1.The Judicial Magistrate No.I,
Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli 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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