

CrI.O.P(MD).No.5524 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P(MD).No.5524 of 2026

and

CrI.M.P.(MD).No.6092 of 2026

Mohanraj

... Petitioner

Vs

The State Rep.By,
The Inspector of Police,
District Crime Branch,
Viruthunagar District.
(Cr.No.4 of 2026)

... Respondent

PRAYER:- This petition has been filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.4 of 2026 on the file of the respondent police.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.V.Shathurthi Raja,
Counsel for State of Tamil Nadu
(Criminal Side)

For Intervener : Mr.S.Saravana kumar
for Intervener



Crl.O.P(MD).No.5524 of 2026

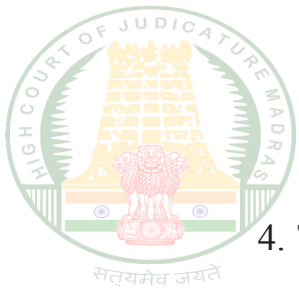
ORDER

WEB COPY

The petitioner is an accused in Crime No.4 of 2026, on the file of the respondent police for the alleged offences under Sections 406, 420 and 120(b) of IPC, (Corresponding Sections 316(2), 318(4) and 61(2) of BNS).

2. The petitioner and the defacto complainant, in connection with their financial requirements, approached the other accused, namely Nagarajan, a financier. Then, the defacto complainant is stated to have obtained a sum of Rs. 70,00,000/- by executing a registered sale deed in favour of the financier as security.

3. Subsequently, it is alleged that the petitioner obtained a further sum of Rs.80,00,000/- from the defacto complainant under the pretext that such amount was required at the instance of the financier. The petitioner, however, failed to repay the said amount. Thereafter, when the financier demanded interest, the defacto complainant had found out that the petitioner had raised the said sum of Rs.80,00,000/- by projecting the complainant's property as security without his knowledge. Alleging cheating, the defacto complainant lodged a complaint before the respondent police, and a case came to be registered against the petitioner and other accused for the alleged offences.



Crl.O.P(MD).No.5524 of 2026

4. The learned counsel for the petitioner would submit that the petitioner had indeed received a sum of Rs. 80,00,000/-, but not on the basis of the sale deed executed by the defacto complainant. It is contended that such transaction was independent, for which separate securities in the form of a promissory note and cheque were issued. It is further submitted that the petitioner has undertaken to repay the said amount. According to the learned counsel, the dispute is purely civil in nature, arising out of a financial transaction, and without initiating appropriate civil proceedings for recovery, the defacto complainant has resorted to criminal prosecution. Hence, it is contended that the essential ingredients of the alleged criminal offences are not made out. He further submitted that co-accused has already been granted anticipatory bail in CRL.OP(MD).No.9464 of 2026 dated 13.05.2026.

5.Per contra, the learned counsel for the defacto complainant, on instructions, would submit that the petitioner and the other accused, without the knowledge or consent of the defacto complainant, obtained the sum of Rs. 80,00,000/- by misusing his property as security. Consequently, the financier demanded repayment and interest from the defacto complainant, thereby causing wrongful loss to him. It is thus contended that the petitioner has



Crl.O.P(MD).No.5524 of 2026

committed acts amounting to cheating, and therefore, the present bail application deserves to be dismissed.

6. The learned Additional Public Prosecutor, adopting the submissions of the defacto complainant, would submit that the investigation is at a preliminary stage and that custodial interrogation of the petitioner is necessary.

7.This Court considered the rival submissions made by the learned counsel appearing for the petitioner and the defacto complainant and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

8. Even as per the version of the defacto complainant, there appears to be an acknowledgment of financial transactions between the parties, including the execution of certain documents. Further, a perusal of the sale deed executed by the defacto complainant in favour of the financier indicates that the same pertains to the amount directly received by the defacto complainant, and not to the subsequent transaction alleged against the petitioner. In such circumstances, the dispute, prima facie, appears to have arisen out of a monetary transaction between the parties. The appropriate remedy is for recovery of money which

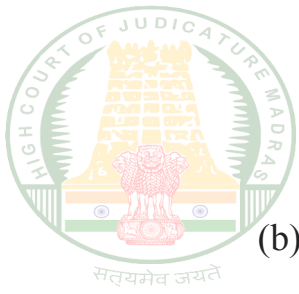


Crl.O.P(MD).No.5524 of 2026

would ordinarily lie before the competent civil forum. The initiation of criminal proceedings, without first resorting to such remedies, lends some weight to the contention of the petitioner at this stage. Considering the nature of allegations, the materials placed on record, and the stage of investigation, and also considering the fact that co-accused has already been granted anticipatory bail in CRL.OP(MD).No.9464 of 2026 dated 13.05.2026, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance and within a period of fifteen days from the date of receipt of a copy of this order the petitioner shall appear before the learned Judicial Magistrate Court No.II, Viruthunagar, 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 that:

(a) The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.



Crl.O.P(MD).No.5524 of 2026

(b)The petitioner shall report before the respondent police daily at 10.30 am, for the period of fifteen days, thereafter as and when required for interrogation.

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

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

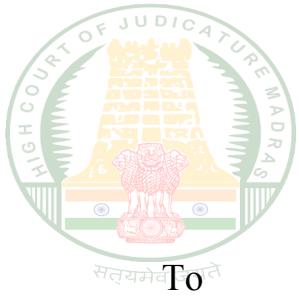
(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners were released on bail by the learned Magistrate/Trial Court itself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

Consequently, connected miscellaneous petition is closed.

04.06.2026

sbm



Crl.O.P(MD).No.5524 of 2026

To
WEB COPY

- 1.The Judicial Magistrate Court No.II,
Viruthunagar.
- 2.The Inspector of Police,
District Crime Branch,
Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD).No.5524 of 2026

K.K.RAMAKRISHNAN.J,

sbn

Crl.O.P(MD).No.5524 of 2026
and
Crl.M.P.(MD).No.6092 of 2026

04.06.2026