

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

Present :Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc., PGDDF.,

Principal Sessions Judge.

Saturday, the 6th day of June, 2026.

Crl.M.P.No.4738/2026

in

V-4, Rajamangalam P.S. Crime No.26/2026

S.Thirukoneshwaran

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

V-4, Rajamangalam Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before this court for hearing in the presence of M/s.Mohammed Yusuf, A.Tamizhvanan, P.Chinnasamy and S.Jothi Muppudathi, the Counsel for the petitioner and of the CPP for respondent police and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner, who was arrested on 10.04.2026 for the offences punishable under Section 316(2) and 318(4) of BNS in Crime No.26/2026 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that the present case is purely relating to financial transaction between the petitioner and defacto complainant. The defacto complainant attempts to give a criminal colour to a civil matter. The co-accused / A2 was released on bail by the Magistrate. The petitioner is in incarceration for about 56 days. Therefore, he prays for bail.

3. On the other hand, the learned CPP submitted that the petitioner and his wife induced the defacto complainant to part with a sum of Rs.22,00,000/- on the promise of high returns. Though initially they have given some money towards returns, subsequently, they failed to pay the same. Therefore, according to the learned CPP, the petitioner, with an intention to defraud the defacto complainant, induced him and cheated a sum of Rs.22,00,000/- According to the learned CPP, the investigation is in the crucial stage. Hence, he strongly opposed the petition.

4. This court has given its thoughtful consideration to the rival submissions put forth by either side. As per the allegations, the petitioner and his wife induced the defacto complainant to part with a sum of Rs.22,00,000/- on the promise of high returns and failed to pay the returns as promised. The learned counsel for the petitioner contended that it is purely a business transaction between the petitioner and defacto complainant and the defacto complainant wants to give a criminal colour to the civil dispute after three years. As submitted by the learned counsel for the petitioner, the wife of the petitioner, the co-accused was granted bail by the learned Magistrate. There is a delay of three years in filing the complaint. All the money transactions were made through banking channels. Whether the breach of contract would amount to an offence, is the question of fact and a matter for investigation. The petitioner was arrested and remanded to judicial custody on 10.04.2026 and he is in incarceration since then. By this time, substantial portion of investigation would have been completed. Therefore, this court is inclined to grant bail.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned XIII Metropolitan Magistrate, Chennai and on further condition that

(a) 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 appear before the respondent police daily at 10.00 a.m. until further orders.

(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 petitioner 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]**.

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

Dictated to Steno-typist, typed by him directly, corrected and pronounced by me in open court this the 6th day of June, 2026.

Principal Sessions Judge

Copy to :

1. The learned XIII Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

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