

(2026) 01 MAD CK 1727

In the Madras High Court

Case No : Criminal Original Petition No. 34968 Of 2025, Criminal Miscellaneous
Petition No. 167 Of 2026

Babu

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 06-01-2026

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294(b), 420, 506(1)
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2026) 01 MAD CK 1727

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : P.T. Ramkumar, Balaji Sankara Moorthy, T. Dharani, A. Gopinath

Judgement

K. Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 11.11.2025 for the offences punishable under Sections 420, 34, 294(b) and 506(1) of IPC in Crime No.15 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, A1/ Perumal along with one Balakrishnan owned a large extent of land in Tiruvannamalai District and they joined hands with other accused developed the lands into approved plots and collected a sum of Rs.1.30 crores from 205 prospective land buyers with the promise of selling the said plots to them; that subsequently, the said Balakrishnan was dead and the portion of the subject property, which belongs to Balakrishnan were devolved to his legal heirs; that thereafter, they colluded with other accused, neither registered the said plots in favour of the prospective buyers nor returned back the money. Hence, a complaint was lodged by the defacto complainant, who is one of the victim in this case, subsequently a case was registered and the petitioner herein, who is the son of the said Balakrishnan was arrested.

3. The learned counsel appearing for the petitioner submitted that the petitioner herein is the son of Balakrishnan, who along with other accused namely Perumal developed their lands into approved plots and collected money from the prospective buyers for selling the same to them; that since the said Balakrishnan died, there arose a civil dispute between the legal heirs of the Balakrishnan and A1/ Perumal regarding the partition of the subject property, therefore the plots could not be conveyed to the prospective buyers, hence a false complaint has been lodged against them. He also submitted that the petitioner herein had filed affidavit stating that the subject lands are still available for the disposal to the parties and further it is a subject matter of the civil suit pending in O.S.No.231 of 2023 on the file of the learned Additional District Judge (FTC) at Arni, Tiruvannamalai and further, the petitioner will not alienate the same in any manner to any third party during the pendency of the above criminal case. He further submitted the petitioner is in judicial custody since 11.11.2025 and except this petitioner, no other persons were arrested in this case; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned counsel appearing for the intervenor raised strong objection for grant of bail to the petitioner by stating that the petitioner along with other accused had collected money to the tune of Rs.1.30 crores from 205 prospective buyers and subsequently, cheated them. He also submitted that if the petitioner is enlarged on bail, it will hamper the investigation process and there is no possibility of recovering the money.

5. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and the investigation reveals that two layout projects were promoted by the family members of the said Balakrishnan and A1/ Perumal; that thereby, they collected money from the prospective buyers; that the petitioner herein is the son of the said Balakrishnan, who also actively involved in the said real estate business along with other accused and collected money; and that the further investigation of this case is pending.

6. I have considered the submissions made and perused the materials available on record. Admittedly, the subject land belongs to one Balakrishnan and A1/ Perumal, that after the demise of the said Balakrishnan, his share of subject property devolved to his legal heirs; that since there is a civil dispute arise between the legal heirs of the Balakrishnan and A1/ Perumal regarding the partition of the subject property, a suit in O.S.No.231 of 2023 is pending between them. It is also submitted that the subject property are still available for the disposal to the parties and the same is also the subject matter in the aforesaid civil suit.

7. Considering the above facts, nature of allegation and the period of incarceration undergone by the petitioner herein, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate - I, Coimbatore and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

[d]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

9. Accordingly, these criminal original petition and the criminal miscellaneous petition are ordered.