

(2026) 03 MAD CK 0896

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 4266 Of 2026

Charles D.M.

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 02-03-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 269, 318(4)
Indian Penal Code, 1860 — Section 420

Citation : (2026) 03 MAD CK 0896

Hon'ble Judges : K.K.Ramakrishnan, J

Bench : Single Bench

Advocate : D.S.Haroon Rasheed, M.Karunanithi

Judgement

K.K.Ramakrishnan, J

1. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 318(4) of BNS, 2023 (Corresponding Section 420 of IPC), in Crime No.26 of 2026, on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is engaged in the gold business. On 27.03.2025, the first and second accused approached the defacto complainant, representing that they were also engaged in the same business and that they could procure gold from abroad and sell the same at the prevailing online market rate. Believing their representation, the defacto complainant agreed to enter into the said business transaction. Thereafter, the first accused demanded a sum of Rs.2,00,000/-, which was paid in cash. In addition, a sum of Rs. 17,00,000/- and Rs.6,00,000/- was transferred to the bank account of the third accused, who is the wife of the first accused. Subsequently, despite assurances, the accused neither purchased the gold nor returned the amount. On repeated demands, the first accused handed over a Nexon car and assured that the jewels would be returned on or before 27.03.2024. However, the accused failed to repay the total sum of Rs.25,00,000/-. Therefore,a complaint made to the respondent police and

the respondent police registered a case in the above stated crime number for the alleged above said offences.

3.The learned counsel appearing for the petitioner submitted that there was a money dispute between the defacto complainant and the accused persons and the same was purely civil in nature and criminal colour was given to the civil dispute. He further contended that, in the event of any default in repayment, it is open to the defacto complainant to initiate appropriate civil proceedings for recovery of the amount and that the very registration of the FIR is illegal. Therefore, he prayed for allowing this petition.

4.The learned Government Advocate (Crl. Side) appearing for the respondent, on instructions, would submit that, the petitioner is the wife of the first accused and the other accused accused is his close friend. A2 made the false promise to give gold and obtained money from the defacto complainant to the tune of Rs.25,00,000/- and also not repay either amount or gold. Therefore, the petitioner and other accused cheated the defacto complainant. Therefore, he seeks dismissal of this petition.

5.This Court considered the rival submissions and perused the records.

6.According to the petitioner, the allegation against him is to receipt of a sum of Rs.25,00,000/- as a debt amount, for which the defacto complainant took his car as a security and also the case is civil in nature. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, 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 Learned Judicial Magistrate No.IV, Madurai District within a period of fifteen days from the date on which the order made ready 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of fifteen days (15 days) and thereafter, as and when required.

[c]the petitioner shall not tamper with the 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 is 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 accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.