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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2026

CORAM

THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.O.P. No. 30990 of 2026

and

Crl.M.P. No. 20904 of 2026

1. Mark Selvaraj @ Mark Paul Raj, Son of Selvaraj
2. Shanthi Meena J, W/o S. Elangovan

... Petitioners / Accused 1, 2

Vs.

1. State rep. by, The Inspector of Police, Central Crime Branch - I, Chennai (Crime No. 0143 of 2026)

... Respondent / Complainant

2. H. Chandra Bose, S/o M. Hari Krishnan, Chief Executive Officer of KG Constructions (permitted to intervene by this order in Crl.M.P. No. 20904 of 2026)

... Intervenor / De facto complainant

PRAYER in Crl.O.P. No. 30990 of 2026: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Cr. No. 0143 of 2026 on the file of the respondent police.

PRAYER in Crl.M.P. No. 20904 of 2026: Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to permit the Petitioner/Intervenor/De-Facto Complainant to intervene in Crl.O.P. No. 30990 of 2026.

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For Petitioners : Mr. R.C. Paul Kanagaraj
For Respondent : Mr. R.Rajasekaran,
Government Advocate (Criminal Side)
For Intervenor : Mr. G.R. Hari

ORDER

1. This is a petition for anticipatory bail under Section 482 of the BNSS. The petitioners apprehend arrest in Crime No. 143 of 2026 on the file of the Inspector of Police, Central Crime Branch-I, Chennai, registered on 15.10.2026 for offences under Sections 420, 468 and 471 of the Indian Penal Code, 1860 (IPC). They are the first and second accused. The first petitioner is the Managing Director of LandTech AEPC Private Limited and the second petitioner is its Project Co-ordinator. The de facto complainant, H. Chandra Bose, has filed Crl.M.P. No. 20904 of 2026 to intervene. He is a victim within the meaning of Section 2(1)(y) of the BNSS, and a victim has the right to be heard on a question of bail. He is permitted to intervene, and his counsel was heard. Crl.M.P. No. 20904 of 2026 is ordered accordingly.

2. The case of the prosecution, briefly stated, is this. The de facto complainant runs KG Constructions. In 2022 he took up, as the sub-contractor of the first petitioner's concerns, the civil work at four sites, two of them warehouses at Kandamangalam and Mambakkam near Sriperumbudur. He says that he has been paid about Rs.4.09 crore against work valued at Rs.13.13 crore. On 06.05.2023 the second petitioner sent him by e-mail, with a copy to the first petitioner, what the e-mail calls a revised work order for the two warehouses. The document is dated 30.08.2022. It brings the value of the Kandamangalam work down from Rs.6,92,18,575/- to Rs.5,90,43,129/-, and it carries, as the acceptance of the contractor, a seal of KG Constructions and a signature. The

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complaint is that he never signed it, that the seal and the signature are forged, and that a document made in August 2022 could not carry, as the annexure to this one does, a column headed *"Site Progress up to Feb 23rd 2023"*. He also alleges that, after the contract was terminated in November 2023, the petitioners kept back his materials worth about Rs.86,00,000/-. He puts his loss at Rs.9.90 crore.

3. His complaint dated 02.05.2024 to the Commissioner of Police was enquired into by the Central Crime Branch and closed as a contractual dispute, in June 2025 and again in December 2025. He then moved the learned XXVIII Metropolitan Magistrate, Egmore, Chennai, under Section 175(3) of the BNSS. By order dated 06.06.2026 in Crl.M.P. No. 17355 of 2025, the learned Magistrate directed the registration of a case. The first petitioner challenged that order, and a coordinate Bench of this Court dismissed the challenge on 27.08.2026 in Crl.O.P. No. 16083 of 2026. The case was registered after that. Nothing placed before me shows that any notice has since been issued to the petitioners.

4. Learned counsel for the petitioners made these submissions.

(a) The revised work order is genuine. It was prepared on 05.05.2023 in the office of the first petitioner's company, in the presence of the de facto complainant, with the progress of the work till then entered in it, and it was sent to him openly the next day.

(b) The de facto complainant acted on it, raised a tax invoice dated 23.09.2023 on its value, and in his e-mails of November 2023 disputed its rates and quantities without saying that his signature on it was forged.

(c) The plea of forgery is raised to get over the arbitration clause in the work order.

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(d) The dispute is one of accounts and is civil in nature, and the police closed the complaint on that view after enquiring both sides.

(e) The materials were handed over against acknowledgment, and the allegation about them is new.

(f) The complaint is belated.

(g) The petitioners have no previous case and will cooperate with the investigation.

5. The petition is opposed. Learned Government Advocate (Criminal Side) opposed it on behalf of the respondent; no counter affidavit has been filed.

Learned counsel for the intervenor submitted that the learned Magistrate found a prima facie case of forgery and observed that custodial investigation is required; that this Court declined to interfere with that order; that the amount involved is more than nine crore rupees; and that the petitioners, if protected, will tamper with the evidence and intimidate the witnesses.

6. I have considered the rival submissions and perused the material placed before me.

7. In a petition for anticipatory bail the Court looks to the nature and gravity of the accusation, the role attributed to the applicant and the facts of the case. Each of the offences alleged here is punishable with imprisonment that may extend to seven years. For offences of that class arrest does not follow as a matter of course. The investigating officer must be satisfied that it is necessary for one of the purposes the statute names, as held in **Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273**, and Section 35 of the BNSS now carries the same requirement.

8. Two earlier orders were pressed against the petitioners, and I take

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them first. The order of the learned Magistrate and the order of this Court in Crl.O.P. No. 16083 of 2026 settle that the complaint discloses cognizable offences and has to be investigated. I proceed on that footing. Neither order decided whether the petitioners should be arrested. The order of this Court held that a proposed accused cannot question, on the facts, a direction to register a case before the investigation has begun. The learned Magistrate did say, in paragraph 5.2 of his order, that the offences *"require full-scale custodial investigation"*. That was said on an application to which the petitioners were not parties, in answering whether a case should be registered at all. The need for custody is examined now, for the first time, with both sides heard.

9. The question before me is not whether the revised work order is genuine. That is for the investigation and, if it comes to that, for the trial. The question is whether the material calls for the custody of the petitioners for the investigation. The accusation rests on one document. The petitioners do not deny that it went from them. Their case is that the signature and the seal on it are those of the de facto complainant. What the investigation has to find out is whether they are. The answer lies in the original of the work order, the computer on which it was prepared, the e-mail records, and a comparison of the signature and the seal with admitted ones. The original and the device can be secured by directing the petitioners to produce them. Specimen signatures or handwriting, if required, can be obtained by an order of the learned Magistrate under Section 349 of the BNSS. Nothing is placed before me to show what else remains to be recovered from the petitioners or through them. Where the allegations against the accused were all based on documents, the Supreme Court held custodial interrogation not to be necessary, in **Miteshgiri @ Mulrajgiri Sevagiri Goswami v. State of Gujarat, Criminal Appeal arising out of S.L.P. (Crl.) No. 15785 of 2026, order dated 30.09.2026**.

10. Each side has something to explain. The work order bears the date

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30.08.2022 and yet records the progress of the work up to 23.02.2023. The petitioners explain it as a revision made in May 2023, and the covering e-mail does ask the de facto complainant to *"confirm the Work order copy"*. As against that, in the e-mails exchanged between 21.11.2023 and 25.11.2023, produced by the petitioners, the de facto complainant described their bill of quantities as *"intentionally and Fraudulently prepared"*, and the second petitioner replied that he had signed the rates in the office. Those e-mails do not carry a denial of the signature by him. Which of the two versions is true is a matter for the investigation, and it cannot be resolved on affidavits. I record no finding on it.

11. On the amount, the figure of Rs.9.90 crore is the balance that the de facto complainant claims under the contract. The first petitioner's stand in the police enquiry, as the closure report records it, was that the work done was worth less than what had been paid. What is due under the contract is a matter of accounts. Here the dispute is between two contracting parties, the document in question is in hand, and nothing placed before me suggests that any trail of money remains to be traced. The apprehension of tampering and intimidation is stated in paragraph 15 of the intervention petition without any particular, and it is met by a condition. No previous case is alleged against either petitioner, and the first petitioner gave his statement in the police enquiry. Whether the dispute is civil and should go before an arbitrator, as the petitioners contend, I do not decide. The registration of the case has been upheld, and the investigation must take its course.

12. **In the result, this Criminal Original Petition is allowed and** the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned XXVIII Metropolitan Magistrate (for Exclusive Trial of CCB Cases and CBCID Metro Cases), Egmore, Chennai,** on condition that **the petitioners shall execute a separate**

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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 Magistrate concerned, and on further conditions:

(a) If the petitioners fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) **The petitioners shall appear before the respondent daily for 15 days and thereafter as and when required for interrogation. At their first appearance they shall produce the original of the work order dated 30.08.2022 and the computer or other device on which it was prepared and from which it was sent. Where any of these is not in their possession, they shall state in writing where it is and with whom.**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];***

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

(f) The petitioners shall comply with any order of the learned Magistrate under Section 349 of the BNSS to give specimen signatures or handwriting.

(g) The petitioners shall not, by themselves or through any other person, approach or threaten the de facto complainant or his workmen in connection with the subject matter of this case, except through proceedings before a court or an arbitrator.

13. It is made clear that the observations made in this order are confined to the disposal of this petition, are prima facie in nature, and shall not influence the respondent in the further investigation or the trial court at any stage of the trial. Consequently, connected Criminal Miscellaneous Petition is also allowed.

17-11-2026

MPA

To

1. The XXVIII Metropolitan Magistrate (for Exclusive Trial of CCB Cases and CBCID Metro Cases), Egmore, Chennai.

2. The Inspector of Police
Central Crime Branch-I,
Chennai.
Cr.No.143 of 2026.

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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