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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.29722 of 2026

CNR: {HCMA012474282026}

G.Kamalakannan

..Petitioner

Vs

Case QR

The State rep by the Inspector of Police,
Bank Fraud Investigation Wing,
Alpha-II Team, Central Crime Branch-I,
Vepery,
Chennai – 600007.

..Respondent

PRAYER: To enlarge the petitioner on bail in Crime No.154 of 2024 on the file of the Respondent, namely the Inspector of Police, Bank Fraud Investigation Wing, Alpha-II Team, Central Crime Branch-I, Chennai, on such terms and conditions as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Muniyapparaj

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side)

ORDER

This is a petition for regular bail under Section 483 of the BNSS. The petitioner is the fourth accused in Crime No.154 of 2024 on the file of the respondent, the Bank Fraud Investigation Wing, Central Crime Branch, Chennai, registered for offences under Sections 420, 465, 466, 467, 468 and 471 read with Sections 120-B and 34 of the IPC. The gravest of them, Section 467,

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is punishable with imprisonment for life. The investigation is pending. His earlier petition before this Court, Crl.O.P. No. 28231 of 2026, was withdrawn on 05.10.2026. This is his second petition before this Court.

2. The case of the prosecution, briefly stated, is this. The State Bank of India sanctioned a housing loan of Rs.1,44,23,000/- to the first accused for the purchase of plots at Kazhipattur Village and disbursed Rs.1,44,16,722/- to an account standing in the name of the vendor, the second accused. The account turned non-performing, and the bank's own examination found the vendor's identity documents, the parent deed, the sale deed and the memorandum of deposit of title deeds to be forged; the loss is put at Rs.1,39,63,430/-. The FIR names only the borrower and the vendor. The respondent says that the vendor was impersonated by one Saraswathy, that she and one Jameela Begum, in their statements, named the petitioner as the person at whose instance the deeds were prepared, and that he is the mastermind. The petitioner was then in prison in other cases. He was shown arrested in this crime on a prisoner transit warrant on 24.08.2026 and has been in custody in it for two months and ten days.

3. Learned counsel for the petitioner made these submissions:

[a] The petitioner is not named in the FIR, though the complaint was lodged after a detailed internal enquiry by the bank; he is not the borrower, the vendor, a guarantor, an executant, an attestor or an identifying witness.

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[b] The only material against him is the statements of co-accused recorded by the police; any bank entry relied on is a document already in the hands of the respondent.

[c] Though the FIR is of 14.09.2024 and he was in prison from 18.11.2025, he was shown arrested in this crime only eleven days after a Division Bench of this Court set aside his preventive detention in H.C.P. No. 145 of 2026; the arrest is a substitute for that detention.

[d] He has been enlarged in every other case, including by this Court in Crl.O.P. No. 25103 of 2026 in C.C. No. 152 of 2022, where witnesses are being examined. His custody in this crime defeats that order and disables his defence there, as the recording of *no cross* for P.W.2 on 13.08.2026 shows. Reliance is placed on **Babu Singh v. State of U.P., (1978) 1 SCC 579** and **Moti Ram v. State of M.P., (1978) 4 SCC 47**.

[e] No custody for interrogation has been sought and the case rests on documents. Reliance is placed on **Dataram Singh v. State of Uttar Pradesh, (2018) 3 SCC 22**, **Sanjay Chandra v. Central Bureau of Investigation, (2012) 1 SCC 40** and **Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51**.

[f] He suffers from bone loss in the right arm requiring physiotherapy and surgery. The State told the Division Bench on 23.07.2026 that there is

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no visiting physiotherapist at the Puzhal prison. He is sick or infirm within the first proviso to Section 480(1) of the BNSS.

4. The respondent has filed a counter affidavit and the petition is opposed on its lines. The petitioner is said to head a syndicate which places impersonators before Sub-Registrars and banks, to keep no bank account in his own name**, to be involved in eighteen cases of bank fraud and land grabbing**, and **to have filed a forged medical certificate before the trial court in the case of the Central Bureau of Investigation**; the medical care he needs is said to be available through Government hospitals. Paragraph 15 of the counter affidavit adds that he has since been formally arrested in Crime No. 155 of 2024 and is in prison in that crime from 21.10.2026.

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

6. I take first the material against the petitioner in this crime. He is not named in the FIR. What connects him to the crime at present is the statements of the two women recorded during the investigation, which is also how the order of the learned Principal Sessions Judge dated 17.09.2026 records the case diary. They are statements to the police, and their worth is a matter for the trial. The financial trail is described in paragraph 8 of the counter affidavit in general terms. Paragraph 7 of the counter affidavit says that he keeps no account in his own name.

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7. It is not the whole of the case. **Paragraph 13 of the counter affidavit lists eighteen cases against the petitioner by crime number, every one of them under the provisions on cheating or forgery, registered between 2017 and 2025 by the Central Crime Branch and the Central Bureau of Investigation**. That is not a bare label. The petitioner's own papers bear it out; they include the orders granting him bail in several of those crimes, most of them for want of a final report within the statutory period. The method alleged here, an impersonated owner and forged title deeds placed before a bank for a housing loan, is the method alleged in the others. The petition does not mention any of these cases. The likelihood of the offence being repeated, and the character and antecedents of the accused, are settled considerations, as held in **Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496**; and in a pecuniary fraud by an accused with a record of frauds of the same kind, those antecedents must be weighed and not passed over, as held in **Rakesh Mittal v. Ajay Pal Gupta @ Sonu Chaudhary, 2026 INSC 161**. Antecedents are not a bar. They are a circumstance, and with the investigation still open, a heavy one.

8. The petitioner's conduct before the courts weighs in the same direction. In Crl.O.P. No. 25103 of 2026, dated 15.09.2026, I found that he had produced a fabricated medical certificate before the trial court in C.C. No. 152 of 2022 and then stayed away while a warrant remained pending, and I directed the trial court to proceed against him for it. I granted him bail there because the trial was

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in progress and he needed to be free to defend it. That order was made on the facts of that case. It carries no right to bail in any other crime, and the conduct it records is itself a reason for caution here. Nor does the record bear out the prejudice urged. On the date relied on, when P.W.2 was not cross-examined on his behalf, the petitioner was in custody under the detention order and in that very case; he had not yet been arrested in this crime. He is represented before the trial court, and the daily status of 16.09.2026 shows that he has applied to recall P.W.2. That is the remedy for the cross-examination he says he lost. **Babu Singh** and **Moti Ram** (cited supra) speak of the value of liberty to the preparation of a defence; they do not require that an accused be released in one crime because he is under trial in another.

9. I turn to the timing of the arrest. The sequence set out in ground [c] invites comment. But the FIR did not name the petitioner, and the respondent's case is that his name emerged from the statements of the co-accused. Nothing placed before me shows when they were arrested or when their statements were recorded. The delay is therefore unexplained in dates, but it is not shown to be colourable. I have considered **Mohammad Azam Khan v. State of Uttar Pradesh, (2022) 18 SCC 340**. There the Supreme Court, under Article 142 and on facts it called very peculiar, granted interim bail to an accused who had obtained bail in all eighty-seven cases against him and was implicated in a case charge-sheeted a year and seven months earlier. Here the investigation is open,

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and on the respondent's showing the petitioner now stands arrested in yet another crime. **Dataram Singh** (cited supra) speaks of an accused whom the investigating officer did not find it necessary to arrest during the investigation and who is sought to be taken into custody after the charge sheet; that is not this case. The submission that the case rests on documents is answered by the stage: the investigation is not complete, the borrower has not been arrested, and the money trail the respondent claims to have found has not yet been placed in a final report. **Sanjay Chandra** and **Satender Kumar Antil** (cited supra), applied to a pending investigation and an accused with this record, do not lead to release. The order of the Court of Session already noticed also referred to the amount not having been recovered. I do not rest this order on that; bail is not refused to secure recovery.

10. That leaves the medical ground. The papers placed before me at the hearing include a CT report of 2022 showing an old non-united fracture of the ulna and chronic osteomyelitis of the radius of the right forearm. The condition is long-standing. It calls for treatment, to which the petitioner is entitled in custody; it does not call for release. The first proviso to Section 480(1) of the BNSS confers a discretion on the Court, not a right on the petitioner, and nothing placed before me shows that the treatment he needs cannot be given through a Government hospital. Weighing the whole, the antecedents, the conduct recorded in the case of the Central Bureau of Investigation, an

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investigation not yet complete and custody of a little over two months in this crime, I am not persuaded that this is a case for bail at this stage. But the answer to an investigation that has run for two years is a direction that it be completed, not an open-ended refusal.

11. **In the result, this Criminal Original Petition is dismissed.**

12. The Superintendent, Central Prison-II, Puzhal, Chennai, shall, through the Medical Officer of the prison, have the petitioner examined in the Department of Orthopaedics of a Government Hospital within two weeks from the date of receipt of a copy of this order, and shall ensure that he receives the physiotherapy and any surgical treatment advised there, as and when medically indicated. The Superintendent shall also pass orders on the representation already made for private treatment pursuant to the order dated 23.07.2026 in Crl.M.P. No. 8724 of 2026 in H.C.P. No. 145 of 2026, if it remains undisposed of, within one week from the date of receipt of a copy of this order.

13. The respondent shall complete the investigation and file the final report within ninety days from the date of receipt of a copy of this order. On the final report being filed, or if it is not filed within that period for reasons not attributable to the petitioner, he is at liberty to renew his prayer. This direction does not affect any right that may accrue to the petitioner under Section 187(3) of the BNSS.

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14. 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.

15. The Registry shall communicate a copy of this order to the Superintendent, Central Prison-II, Puzhal, Chennai, and to the respondent forthwith.

04.11.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kmm

To

1. The Inspector of Police,
Bank Fraud Investigation Wing,
Alpha-II Team, Central Crime Branch-I,
Vepery,
Chennai – 600007.

2. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

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