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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 29989 of 2026

CNR: {HCMA012498222026}

Ragothkumar
S/o. Kanjamalai,
No.1/347, Murugan Kovil Street,
Kottiyampoondi,
Vikravandi Taluk,
Villupuram District.

Case QR

..Petitioner(s)

Vs

State Rep.by, The Inspector of Police
Vikravandi Police Station,
Villupuram District.
Cr.No.408 of 2026.

..Respondent(s)

PRAYER : Criminal Original Original Petition filed under Section 483 of BNSS praying to enlarge the petitioner on bail in Cr.No.408 of 2026 on the file of the Respondent Police, Vikravandi Police Station, Villupuram District.

For Petitioner(s): Mr.P.Sarveswaran

For Respondent(s): Public Prosecutor

ORDER

This is a petition for regular bail under Section 483 of the BNSS. The petitioner is the second accused in Crime No. 408 of 2026 on the file of the Inspector of Police, Vikravandi Police Station, Villupuram District, registered on 09.09.2026 for the offence under Section 318(4) of the BNS.

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2. The case of the prosecution, briefly stated, is this. The first accused, a trader of Panruti holding a unified licence from the Cuddalore Market Committee, buys agricultural produce from farmers at the Vikravandi Regulated Market. The petitioner, himself a licensee under the Villupuram Market Committee, is said to have acted as his agent at the closed-tender auctions. Between 01.04.2026 and 16.04.2026, 707 quintals of black gram were bought through the petitioner for the first accused from 225 farmers, for Rs.59,09,015/-. The first information report records part payments on 08.04.2026, 10.04.2026, 16.04.2026 and 24.06.2026, and puts the sum still due at Rs.40,86,159/-. The petitioner is said to have signed for and taken out of the Market, on 08.04.2026, 10.04.2026 and 13.04.2026, 480.90 quintals of that value, on the representation that the price had fallen and that any delay in selling would cause loss; to have told the Market Supervisor, when pressed, that he could not pay the balance; and, with the first accused, to have sold the produce at Madurai and Virudhunagar and received the proceeds into their bank accounts. The house of the first accused has been found locked for three months and his mobile phone switched off. The complaint of the Market Supervisor was received on 13.08.2026, and the case was registered on 09.09.2026 after an enquiry.

3. The petitioner was arrested on **22.09.2026**, the day on which he appeared at the office of the District Crime Branch, Villupuram, in obedience to

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a summons under Section 94 read with Section 179 of the BNSS, issued on a petition of the Secretary of the Villupuram Market Committee which is under enquiry by that Branch. He has been in judicial custody since then. The first accused has not been arrested.

4. Learned counsel for the petitioner made these submissions.

[a] The petitioner is a daily-wage worker who attended the auctions on the instructions of the first accused. The purchases, the market fee receipts and the permits for removal of the produce all stand in the name of the first accused's firm, and the sale proceeds were received by the first accused alone. Two of the payments to the Market were remitted from the petitioner's bank account out of money sent to him by the first accused for that purpose. He has retained nothing.

[b] The part payments recorded in the first information report, made during the very period of purchase, rule out a dishonest intention at the inception. At the highest, the case is one of unpaid price in a commercial transaction, for which Sections 8(5) and 59 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 provide a remedy against the licensed trader.

[c] By its letter dated 08.09.2026 the Cuddalore Market Committee treated the default as that of the first accused and barred him alone from

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trading. The same letter records that the produce was taken out of the Market with the approval of the Market Supervisor, who is the de facto complainant.

[d] On 31.07.2026, before any complaint was made against him, the petitioner complained to the Superintendent of Police, Villupuram, that the Market Supervisor was harassing him over these dues. On 09.09.2026 the police came to his house, demanded Rs.40,00,000/-, assaulted members of his family and took his elder brother away, and his mother has complained of it to the Deputy Inspector General of Police. The prosecution is an attempt to recover the dues of the first accused from him.

[e] He appeared on summons and was arrested the same day, without necessity, for an offence punishable with imprisonment up to seven years. The case rests on documents in the custody of the Market. The first accused, who is the trader, is at large.

[f] He has no antecedents and is a permanent resident of Kottiyampoondi. His wife is in the third trimester of pregnancy and there is no one else to look after her.

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5. The learned Government Advocate (Criminal Side) opposed the petition. The first accused is absconding and the petitioner alone has been arrested; that the two of them took produce worth Rs.40,86,159/- and did not pay for it despite repeated demands; that two similar complaints are pending against the petitioner; and that the investigation is pending.

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

7. Whether the transaction is one of cheating or of default in payment cannot be decided on this petition. Dishonest intention at the inception of the transaction is the gist of cheating, and a later failure to pay does not by itself establish it, though the intention may be inferred from the conduct that surrounds the transaction, as held in **Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168**. The part payments on which the petitioner relies are recorded in the first information report; so is the allegation that the produce was taken out on a representation about the price and then sold elsewhere. Whether a remedy under the Marketing Act excludes the offence is not a question for a petition for bail. Nor can the description of the petitioner as a daily-wage worker be accepted or rejected here. The first information report

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describes him as a licensee of the Villupuram Market Committee and the proprietor of a rice mill, who acted as agent and himself signed the produce out of the Market; his own complaint of 31.07.2026 to the Superintendent of Police says that he had been working with the first accused's firm for two years; and the petition does not engage with the first information report on the point. What the petitioner's share in the transaction was is for the investigation, and I record no finding on it. For the present purpose I take the case of the prosecution as it stands.

8. It is stated that Rs.40,86,159/- is the price of produce sold by farmers, and that is a circumstance of weight. But the produce was bought in the name of the first accused, the licensed trader, and on the case of the prosecution itself the petitioner is the agent through whom the purchase and the removal were made. Custody is not a means of recovering that sum. Bail is not withheld as a punishment; liberty before conviction is curtailed only where detention serves a purpose, such as securing the presence of the accused, protecting the evidence or preventing a further offence, as held in **GudikantiNarasimhulu v. Public Prosecutor, (1978) 1 SCC 240**.

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9. The investigation is pending, but the material on which it rests is of a particular kind: the auction records, the market fee receipts and the removal permits, which are with the Market, and the bank records of the two accused, which are with the banks and which the first information report shows have already been looked into in part. The petitioner has been in custody for a little over five weeks. The third is the two similar complaints. No crime number, no police station and no particulars of were stated. The summons on which the petitioner appeared was issued on a petition of the Secretary of the Villupuram Market Committee, and the first information report speaks of defaults at the markets at Panruti and Puducherry, but nothing shows that any of these has been registered as a crime. A complaint under enquiry is not an antecedent, and I do not treat it as one.

10. The petitioner lives at Kottiyampoondi, where his family resides. When the District Crime Branch summoned him, he went, and he was arrested there. That is not the conduct of a person who keeps out of the way of the investigation. The first accused, against whom the principal allegation runs, has not been found; but his absence is not a reason to keep the petitioner in custody in his place. Any apprehension that the petitioner will not remain within reach can be met by conditions that fix his residence and require him to report, which the learned Magistrate can enforce on breach.

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11. **In the result, this Criminal Original Petition is allowed and the** the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties,** each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vikravandi** and on further conditions that:

[a] the sureties shall affix his 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 his identity;

(b) the petitioner shall report before the respondent police daily at 10:30 A.M. for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] 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];**

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

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SMA

To

1.The Inspector of Police
Vikravandi Police Station,
Villupuram District.

2. Judicial Magistrate, Vikravandi

3. The Superintendent,
District Prison, Vedampatu, Villupuram.

4. The Public Prosecutor,
Madras High Court.

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N.RAMESH, J.

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