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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.O.P.No.31724 of 2026

CNR: {HCMA012595962026}

Parthasarathi

Case QR

..Petitioner

Vs

The State Rep by, The Inspector of Police,
CCB, Salem City Police Station,
Salem District.
Crime No.36 of 2026.

..Respondent

PRAYER: To enlarge the Petitioner on bail pending investment in Cr.No.36 of 2026 on the file of Inspector of Police, CCB Salem City Police Station, Salem to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.09.2026 for the alleged offences under Sections 61(2), 316 (2) and 318(4) of BNS Act 2023, in Crime No.36 of 2026 on the file of the respondent police, seeks bail.

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2. According to the case of the Prosecution, the Petitioner, who was running an office in the name and style of "S V Grand Properties" at Salem, promised to allot house plots to innocent investors within 100 days or double the amount invested. Believing the said promise, the de facto complainant paid a sum of Rs.21,50,000/- to the Petitioner on 24.07.2025 and received an unregistered agreement deed. However, the Petitioner failed to fulfill his promise, shut down his business, and his office was subsequently found locked, leading to the registration of the present case.

3. The learned Counsel for the Petitioner submits that the Petitioner is innocent of the allegations and has been falsely implicated. He further submits that while this Court had earlier dismissed the bail application of the Petitioner considering the volume of the transaction, the Petitioner has now established his bona fides by repaying a sum of Rs.7,20,000/- (Rupees Seven Lakhs Twenty Thousand only) to the de-facto complainant. The proof of the said repayment has been produced before this Court as seen from pages 14 to 17 of the typed set of papers. He further submits that the Petitioner files an absolute undertaking before this Court that he shall repay the remaining balance amount due to the de-facto complainant within a period of four (4) weeks from the date of his release. He adds that the Petitioner has been undergoing custodial incarceration since 07.09.2026 and is ready to abide by any stringent conditions, and hence, prays for the grant of bail.

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4. The learned Government Advocate (Criminal Side) appearing for the Respondent State, on instructions, acknowledges that the Petitioner has indeed repaid a sum of Rs.7,20,000/- to the de facto complainant and produced the relevant proof of payment. However, he continues to oppose the grant of bail by submitting that a total sum of Rs.51 Lakhs has been cheated from nearly 12 victims, including the de-facto complainant, and one similar case is still pending against the Petitioner.

5. Heard the learned Counsel appearing for the Petitioner and the learned Government Advocate (Criminal Side) appearing for the Respondent Police, and perused the entire materials available on record.

6. This Court, on an earlier occasion, was not inclined to grant bail to the Petitioner given the magnitude of the financial fraud. However, considering the change in circumstances, the fact that the Petitioner has demonstrated his bona fides by making a partial repayment of Rs.7,20,000/- to the de-facto complainant as verified by pages 14 to 17 of the records, and the specific judicial undertaking given by the Petitioner to clear the remaining balance sum within a period of four weeks from the date of his release, this Court is inclined to grant regular bail to the Petitioner on strict terms.

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7. Accordingly, 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 – V, Salem,** and on further conditions that:

[a] the Petitioner shall file an explicit affidavit of undertaking before the Trial Court at the time of executing the bail bonds, confirming that the remaining balance due to the de-facto complainant shall be cleared within four (4) weeks from the date of his release;

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[f] 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

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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];**

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

02.11.2026

kmm

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate – V, Salem.

2. The Superintendent, Central Prison, Salem.

3. The Inspector of Police, CCB, Salem City Police Station, Salem District.

4. The Public Prosecutor,
High Court of Madras.

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