

Kanimozhi Vs State Represented by

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Court : Chennai

Decided On : Apr-30-2026

Judge : Honourable Mr Justice G.K. Ilanthiraiyan

Appeal No. : CRL OP/10569/2026

Appellant : Kanimozhi

Respondent : State Represented by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2026

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN 1.Kanimozhi

2. A.Ramamurthy

3. Vadivambal

4. R.Kumararaja ... Petitioners Vs. The State represented by, The Inspector of Police, CCB, Tambaram, Tambaram City. (Crime No.93 of 2026). ... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail, in connection with Crime No.93 of 2026, pending investigation on the file of the respondent police. For Petitioners : Mr.K.Suresh For Respondent : Mr.P.Dhilpeean Government Advocate (Criminal Side) For Intervenor : Mr.Parvan Jhasakh

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(4), 351(2), 61(2), 296(b) and 3(5) of BNS, 2023 in Crime No.93 of 2026, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant entered into a

Memorandum of Understanding dated 16.04.2026 that the defacto complainant entered into a Memorandum of Understanding with the petitioners firm in respect of certain real estate layouts and that pursuant thereto certain amounts were paid and later disputes arose between the parties and the same has been referred to arbitration and sole arbitrator was also appointed. It is further alleged that the petitioners have misappropriated the funds, violated the terms of the agreement and sold certain plots to third parties without accounting for the proceeds, thereby committed the offence.

3. The learned counsel appearing for the petitioners would submit that the

dispute between the parties has already been the subject matter of arbitration proceedings in ARB Case No.02 of 2025 and the same is in favour of the petitioners. Further, the order of the Sole Arbitrator was challenged and the same was pending in Arb. Appeal Nos.35 & 26 of 2025. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and opposed to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor reiterated the

prosecution case and submitted that the petitioners cheated the defacto complainant to the tune of Rs.16,28,437/- and also the petitioners have made criminal intimidation. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the above facts and circumstances that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the

event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tambaram, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity. [b] the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial. [d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC. 30.04.2026 Sma To

1. Judicial Magistrate No.I, Tambaram
2. The Inspector of Police, CCB, Tambaram, Tambaram City.
3. . The Public Prosecutor, High Court of Madras.

G.K.ILANTHIRAIYAN.,J.

Sma 30.04.2026

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