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CRL OP No. 27525 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 27525 of 2026
CNR: {HCMA012284712026}



Case QR

Ankur Kumar Jain

..Petitioner(s)

Vs

1.The State Rep by
The Inspector of Police
E2, Peelamedu Police station,
Coimbatore.
Cr.No.215/2026 dt.27.05.2026.

2.The Director General of Police (Law and Order),
Tamil Nadu, Police Headquarters,
Mylapore, Chennai 600 004.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 482 BNSS Act to enlarge the petitioner on regular bail in connection with Crime No.215/2026 on the file of the respondent, the Inspector of police, E2 Peelamedu Police station, Coimbatore, on such terms and conditions as this Honourable Court may deem fit and proper.

For Petitioner(s):

Mr. A.Ramesh
Sr.Counsel for Mr. R.Ashwin

For Respondent(s):

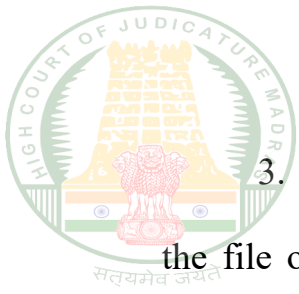
Mr.M.M.I.Khaleel,
Govt.Advocate (Crl.Side)



ORDER

This is a petition for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is the third accused in Crime No.215 of 2026 on the file of the Inspector of Police, E2 Peelamedu Police Station, Coimbatore City, registered on 27 May 2026 for the offence punishable under Section 420 of the IPC.

2. FIITJEE Limited, in arrangement with Suguna PIP School, Nehru Nagar, Coimbatore, conducted integrated coaching for students preparing for the JEE and NEET examinations. Each parent paid a refundable caution deposit of Rs.1,00,000/- on the assurance that it would be returned within sixty days of the completion of the course. The de facto complainant, Mr.Vikram D.G., paid the deposit for his son. The course ended and the deposit was not returned. On his complaint the case was registered against Dinesh Kumar Goyal of FIITJEE Limited and Lakshmi Narayanasamy of Suguna PIP School. The petitioner is not named in the complaint or in the First Information Report, and the counter affidavit admits as much in paragraph 27. According to the counter affidavit, he came to be arrayed on an agreement dated 26.02.2011 which he is said to have signed on behalf of FIITJEE Limited with the school, and as the Regional Managing Partner of FIITJEE Limited for Tamil Nadu he is said, along with the first and second accused, to have caused loss to 262 parents to the tune of Rs.2.62 crores. The first accused is stated to be absconding. The second accused has obtained anticipatory bail from this Court.



3. The petitioner was arrested on 15.07.2026 in Crime No.5 of 2026 on the file of the Economic Offences Wing, Chennai, and lodged in the Central Prison, Puzhal. While he was there, the respondent recorded his formal arrest in this crime inside the prison at 3.25 p.m. on **11.08.2026**. He was produced before the learned Judicial Magistrate No.II, Coimbatore under a production warrant on 20.08.2026, was given in police custody for one day, and was reproduced on 21.08.2026. He has remained in judicial custody in this crime since then from the formal arrest. The final report has not been filed. By order dated 07.09.2026 in Crl.O.P.No.22765 of 2026, this Court enlarged him on bail in Crime No.5 of 2026 on stringent conditions.

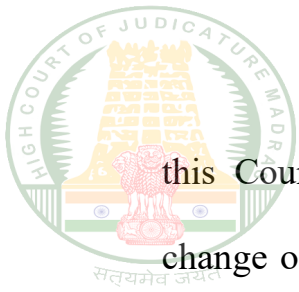
4. His petition for anticipatory bail in Crl.O.P.No.23228 of 2026 was dismissed as withdrawn on 20.08.2026. His petition for bail in Crl.M.P.No.9209 of 2026 was dismissed by the learned Magistrate on 25.08.2026. Crl.O.P.No.25372 of 2026, filed directly in this Court, was dismissed on 09.09.2026 as not entertainable at the first instance, without any expression of opinion on the merits and with liberty to move the learned Principal Sessions Judge, Coimbatore. That Court dismissed Crl.M.P.No.3465 of 2026 on 19.09.2026.

5. The learned counsel for the petitioner submitted that the petitioner is not named in the complaint or the First Information Report; that he has been a salaried employee of FIITJEE Limited since the year 2000, as his Form 16



certificates show, and was never its director or shareholder; that the deposit was paid by cheque into the corporate account of the company and none of it reached him; that the accounts of the company were frozen in 2025 by the police at Noida, Ghaziabad and Mumbai, which made refunds impossible; that the notices under Section 35(3) of the Sanhita could not be complied with only because he was then in prison, a fact his wife conveyed to the respondent in writing on 28.07.2026; that no grounds of arrest were furnished to him, the only document being a printed arrest memo in Tamil, a language he cannot read, which says nothing about what he is alleged to have done; that his two applications for copies of the arrest and remand papers were returned by the learned Magistrate; and that he is a right above-knee amputee with eighty per cent permanent disability whose prosthesis has been damaged in prison.

6. The respondent has filed a counter affidavit. It is stated that 262 parents have been cheated of more than Rs.2.62 crores; that the petitioner signed the agreement on behalf of FIITJEE Limited and drew a monthly salary of Rs.3.50 lakhs; that the deposits were transferred out of the State, which is why the accounts came to be frozen; that the petitioner did not appear despite two notices under Section 35(3); that the arrest memo was prepared in Tamil but its contents were explained to him in English and he signed it; that columns 8 to 11 of the memo were marked "Nil" because there was no material to fill; that the arrest was made on 11.08.2026 and is therefore not hit by the order of



this Court dated 07.09.2026 in Crl.O.P.No.22765 of 2026; that there is no change of circumstances since the earlier petition; that the investigation is at a budding stage; and that the petitioner, "being a North Indian", is likely to abscond.

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

8. The objection that there is no change of circumstances does not arise. Crl.O.P.No.25372 of 2026 was not decided on its merits. It was held not entertainable at the first instance because the Court of Session had not been moved, and liberty was reserved to the petitioner to come back to this Court if aggrieved. He has done exactly that. This is the first petition in this crime in which this Court is called upon to decide the prayer for bail on its merits.

9. The law on the communication of the grounds of arrest is settled. In **Prabir Purkayastha v. State (NCT of Delhi), (2024) 8 SCC 254**, the Supreme Court held that the grounds of arrest must be furnished in writing as a matter of course and without exception, and that a breach vitiates the arrest and the remand. In **Vihaan Kumar v. State of Haryana, (2025) 5 SCC 799**, it was held that the grounds must be communicated effectively and fully, in a language the arrested person understands, and that



"when a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist."

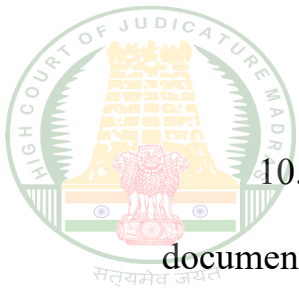
The grounds must tell the arrested person of the acts attributed to him, and not merely the law, as reiterated in **Kasireddy Upender Reddy v. State of Andhra Pradesh, 2025 SCC OnLine SC 1228**. In **Mihir Rajesh Shah v. State of Maharashtra, 2025 INSC 1288 : (2026) 1 SCC 500**, decided on 06.11.2025, the Supreme Court held that the mandate applies to all offences under all statutes including the Indian Penal Code, that

"the grounds of arrest must be communicated in writing to the arrestee in the language he/she understands", that where "the police are already in possession of documentary material furnishing a cogent basis for the arrest, the written grounds of arrest must be furnished to the arrestee on his arrest", and that

"in case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free."

Most recently, in **Jaskaran Jeet Singh Deol v. State of Punjab, 2026 INSC 1022**, decided on 21.09.2026, the Supreme Court restated these principles and added that

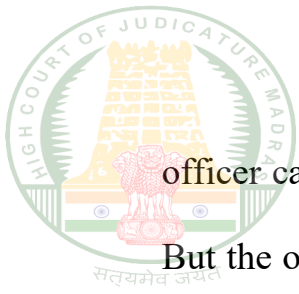
"when there is violation of the Constitution, question of prejudice or demonstrable prejudice does not arise."



10. Measured against that standard, the record speaks for itself. The only document served on the petitioner is an arrest memo on a printed Tamil form.

Against the column that calls for the particulars of the offence and the reasons for arrest, the entry made is "for the offence shown in column 3", and column 3 gives only the crime number and Section 420 of the Indian Penal Code. The memo does not say what the petitioner is alleged to have done, to whom, when, in what capacity, or on what material. It does not mention the agreement, the parents, the deposits or the amount. The counter affidavit does not claim that any separate written grounds of arrest were furnished. Its answer is that the contents of the memo were explained to the petitioner orally in English. An oral explanation of a memo that itself contains no grounds is not a communication of grounds in writing in a language the arrested person understands. This was not an arrest in *flagrante delicto*. The agreement and the statements of the parents were already with the police, and the petitioner was arrested inside a prison where he was already secured. There was every opportunity to set out the grounds in a few sentences, and it was not done. I hold that the petitioner was not furnished the grounds of his arrest as required by Article 22(1) of the Constitution and Section 47 of the Sanhita, and that his arrest and the remand that followed are vitiated.

11. The respondent says that the arrest was made on 11.08.2026, before the order of this Court dated 07.09.2026. That is true, and the investigating



officer cannot be faulted for not following an order that had not yet been made.

But the obligation does not arise from that order. It arises from the Constitution and the statute, and it was declared in **Mihir Rajesh Shah** (cited supra) about nine months before this arrest. The order of 07.09.2026 did no more than apply that law. The contention fails.

12. The petitioner is not named in the First Information Report. The case against him, as the counter affidavit puts it, rests on an agreement and on receipts, bank records and the statements of parents, all of which are with the police or with banks and the school. Police custody for one day was sought and availed, and has not been sought again. The first accused is said to be absconding and the second accused is on anticipatory bail. The petitioner is on bail in the parent crime. His disability is supported by a certificate of the All India Institute of Medical Sciences, New Delhi, and by the order of the learned Special Judge dated 13.08.2026 in Crl.M.P.No.378 of 2026 directing that he be given treatment and taken for repair of his prosthesis. The complaint that he did not appear in answer to the notices under Section 35(3) has no foundation. The first notice dated 11.07.2026 called him to appear on 18.07.2026; he had been in prison since 15.07.2026, as his wife informed the respondent in writing, and as the investigating officer himself stated before the learned Magistrate on 20.08.2026. The averment that the petitioner is likely to abscond because he is "a North Indian" is not appreciated. A person's place of origin is not a ground



for apprehending that he will flee. The petitioner has lived and worked in Chennai for more than two decades. Such an averment ought not to appear in an affidavit sworn by a police officer. Whether the non-refund was dishonest from the inception or was the result of the freezing of the accounts is a question for the investigation and the trial, and I express no view on it.

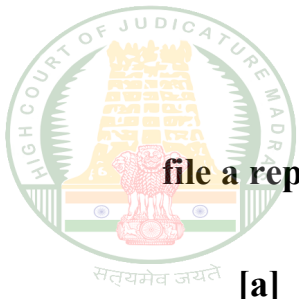
13. That leaves the matter which, in my view, goes beyond this petition. This is not an isolated lapse. The Supreme Court has said in Prabir Purkayastha, Vihaan Kumar, Mihir Rajesh Shah and Jaskaran Jeet Singh Deol (all cited supra), and before them in **Pankaj Bansal v. Union of India, (2024) 7 SCC 576**, that the grounds of arrest must be furnished in writing, and in **Jaskaran Jeet Singh Deol** it directed that a copy of the judgment be circulated to the Directors General of Police of all States. On 07.09.2026, in Crl.O.P.No.22765 of 2026, in this petitioner's own case, this Court directed the Director General of Police to withdraw the printed proforma then in use, to replace it with a form requiring the grounds to be set out in narrative form, to issue instructions accordingly and to report compliance within eight weeks. The present case, from Coimbatore City, shows an arresting officer still using an old printed arrest memo, which refers to the provisions of the repealed Code and in which a single column is meant to carry both the particulars of the offence and the reasons for arrest. That column was filled with a cross-reference to the crime number.



14. The consequence is serious and it falls on the wrong people. When an arrest is vitiated, the Court has no choice but to release the accused, however grave the accusation. In very serious cases, accused persons are being released not because the case against them is weak but because the police did not do what the law requires at the moment of arrest. The persons who suffer are the victims, here 262 parents, and the cause of a fair investigation. It is not clear whether this is the result of ignorance or of indifference. Either way, the police need to be sensitised, trained and educated on this point, and the officer who commits the lapse must answer for it. In **Jaskaran Jeet Singh Deol** (cited supra), the Supreme Court directed that where an accused is released for violation of Article 22(1), the superior authority shall hand over the investigation to another officer

"further directing departmental enquiry for such a serious lapse. If the enquiry culminates in adverse finding against the erring police officer(s), it would entail departmental action with entry in the service book of such officer(s)."

15. A direction of this kind cannot be issued to an authority who is not before the Court. The Director General of Police (Law and Order), Tamil Nadu, Police Headquarters, Mylapore, Chennai 600 004 is therefore suo motu impleaded as the second respondent to this petition, for the limited purpose of receiving and complying with the directions that follow. The Registry shall carry out the amendment. The second respondent shall



file a report before this Court on or before the next date of hearing stating:

- [a] whether any circular or standing order has been issued at the State level on the furnishing of written grounds of arrest, after the decisions in Prabir Purkayastha, Vihaan Kumar, Mihir Rajesh Shah and Jaskaran Jeet Singh Deol, giving the number and date of each and enclosing copies;**
- [b] whether the printed proforma referred to in the order dated 07.09.2026 in CrI.O.P.No.22765 of 2026, and the printed arrest memo form used in this case, have been withdrawn and replaced, and from what date;**
- [c] whether any such circular had reached the E2 Peelamedu Police Station, Coimbatore City before 11.08.2026, and if so, why it was not followed in this case, with the explanation of the arresting officer;**
- [d] the training and sensitisation given, or proposed to be given, to officers empowered to arrest, on the furnishing of written grounds of arrest;**

16. The second respondent shall also issue instructions to every unit of the police force in the State that the failure to furnish written grounds of arrest in conformity with **Mihir Rajesh Shah** (cited supra) shall be treated as a dereliction of duty on the part of the arresting officer, and that the officer concerned shall be held responsible and shall be liable to departmental proceedings, in conformity with **paragraph 25.1 of Jaskaran Jeet Singh Deol** (cited supra). Nothing in this order is a finding on the personal culpability of the

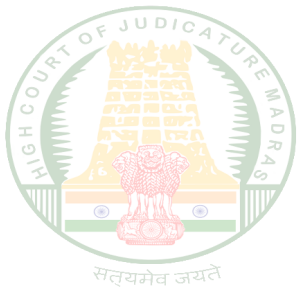


investigating officer in this case, who is entitled to be heard in any proceeding that may follow.

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17. In the result, the criminal original petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum, to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore, and on the following conditions:

- (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 appear before the investigating officer at the E2 Peelamedu Police Station, Coimbatore City as and when required for the purpose of investigation, on not less than forty-eight hours' written notice served at his residence at Kilpauk, Chennai, until the final report is filed;
- (c) the petitioner shall not leave India without the prior permission of the learned Judicial Magistrate No.II, Coimbatore;
- (d) the petitioner shall not, directly or indirectly, contact the de facto complainant, any parent who has given a statement in this case, or any other witness.
- (e) the petitioner shall not abscond either during investigation or trial;



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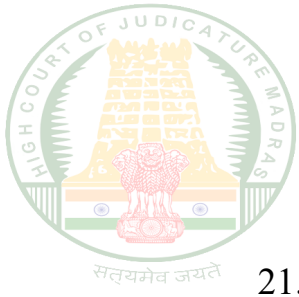


- (f) the petitioner shall not tamper with the evidence or witness either during investigation or trial;
- (g) On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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]**;
- (h) **If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.**

18. The learned Magistrate may accept sureties residing in Chennai, where the petitioner has lived for over two decades. The petitioner shall be released forthwith unless his detention is required in connection with any other case.

19. The observations in this order are confined to the disposal of this bail petition. They are not an expression of opinion on the merits of the accusation, on the role of the petitioner, or on the effect of the freezing of the accounts, all of which shall be decided uninfluenced by anything said here.

20. The Registry shall communicate a copy of this order to **the Director General of Police (Law and Order), Tamil Nadu, to the Commissioner of Police, Coimbatore City, and to the learned Judicial Magistrate No.II, Coimbatore.**



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21. List the matter under the caption "For Reporting Compliance" on 10.11.2026, along with Crl.O.P.No.22765 of 2026.

07-10-2026

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

To

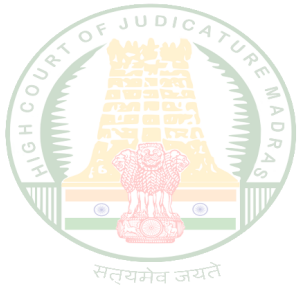
1. Judicial Magistrate No.II, Coimbatore.
2. The Director General of Police (Law and Order),
Tamil Nadu, Police Headquarters,
Mylapore, Chennai 600 004.
3. The Director General of Police (Law and Order),
Tamil Nadu.
4. The Commissioner of Police,
Coimbatore City.
5. The Superintendent of Police
Puzhal Central Prison.
6. The Inspector of Police,
E2, Peelamedu Police Station,
Coimbatore.
7. The Public Prosecutor
High Court, Madras.



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.



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N.RAMESH, J.

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