



WEB COPY



CrI.O.P.No.16064 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.06.2025
PRONOUNCED ON : 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16064 of 2025
and CrI.M.P.No.10162 of 2025

Mohan Kumar

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
District Crime Branch (DCB),
Coimbatore.
Crime No.10/2025

... Respondent

PRAYER : Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail pending investigation in Crime No.10 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.L.Baskaran,
Government Advocate (CrI. Side)

For Intervener : Mr.C.S.Saravanan



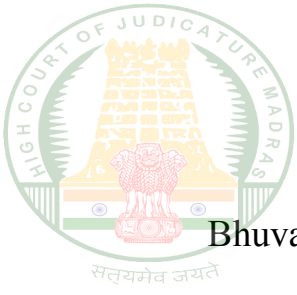
CrI.O.P.No.16064 of 2025

WEB COPY

ORDER

The petitioner, arrested and remanded to judicial custody on 15.05.2025, for the offence punishable under Sections 120(B), 420 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 (TNPPDL Act). in connection with Crime No.10 of 2025 on the file of the respondent, seeks bail.

2.The gist of the prosecution case is that the petitioner who is a Realtor purchased vacant land, developed a layout and then sold them in plots. The petitioner developed a layout in 16.718 acres as Sri Mahaganapathy Nagar by purchasing lands in S.Nos.59, 60 and 69 from various land owners. The land owner in S.No.69 executed a General Power of Attorney in favour of the petitioner on 07.02.1996 and 31.07.1996 duly registered in the Office of SRO, Periyanaickenpalayam. The petitioner sold Plot No.82 measuring about 2400 sq.ft. and Plot No.83 measuring about 780 sq.ft. to Ramkumar and Premkumar on 04.09.2001. The said Ramkumar and Premkumar sold Plot Nos.82 and 83 to the defacto complainant Bhuvana on 03.06.2022 vide Document No.11877 of 2022. The said



WEB COPY

Bhuvana is said to have spent around Rs.12 lakhs for getting approval of the plots and for obtaining planning permission. Further, she entrusted the construction work with D.K.Associates. When the construction work was in progress, one Krishnapirya gave a complaint before Periyanaickenpalayam Police Station claiming that the property belongs to her. The said Ramkumar and Premkumar were called for enquiry, the land was surveyed and it was found that the land belongs to the mother of the said Krishnapriya as per the document. Hence, the defacto complainant applied for Encumbrance Certificate and found that the petitioner sold Plot Nos.82 and 83 to Ramkumar and Premkumar and again sold the same plots to one Sadhasivam on 11.04.2002. Later on 31.01.2023, the defacto complainant was informed that her construction was demolished and hence, she lodged a complaint.

3.The contention of the learned counsel for the petitioner is that the vendors to the petitioner sold the property in S.No.69 on 07.02.1996 and again sold the same to one Jaganathan on 25.01.2007 along with S.Nos.57/1, 57/6, 57/5 and 57/4. The said Jaganathan sold the property in S.No.69 to Thangaraj on 16.04.2007 and the said Thangaraj sold the same to Devika



through his power agent on 27.12.2011. The said Krishnapriya, daughter of Devika is now claiming right over the property and demolished the construction.

4.It is the vendor of the petitioner who sold S.No.69 initially to the petitioner and thereafter to another person, due to which there is some confusion in the layout and the petitioner cannot be faulted for. Further, it is a vast layout and in the office of the petitioner, a mistake committed, plot Nos.82 and 83 which was earlier sold to Ramkumar and Premkumar was mistakenly sold to Sadhasivam on 11.04.2002. On coming to know about the double entry, on the request of Sadhasivam the sale amount was repaid and he executed Release Deed in faovur of the complainant on 05.05.2025. The learned counsel for the petitioner submits that the petitioner had not committed any criminal offence against anybody, he being a Realtor developed a layout and sold the plots in the year 2001, the defacto complainant purchased the same from her vendor in the year 2022 and if at all, any rival claim is made by Devika and her daughter Krishnapriya, it is to be resolved by the Civil Court and not by filing the criminal case. Further, as regards the double entry which occurred earlier, now resolved.



Crl.O.P.No.16064 of 2025

WEB COPY

5.The petitioner earlier had a dispute with another portion of land and the respondent investigated the same in Crime No.22 of 2024. The respondent exerted pressure to settle the issue with the defacto complainant therein on their terms. The petitioner informed that he is not at fault and civil suits are pending. Further the vendors had some dispute and the Civil Court given a finding in favour of the petitioner. Further, the petitioner obtained anticipatory bail from this Court in Crl.O.P.No.31381 of 2024 in respect of the case in Crime No.22 of 2024. The petitioner also filed a quash application in Crl.O.P.No.10884 of 2025 in which stay of investigation was obtained in Crl.MP.No.7205 of 2025 by order dated 15.04.2025. Got enraged on questioning the authority of the respondent police, the defacto complainant was used by the respondent police and a civil dispute is projected as a criminal case and the petitioner was arrested on 15.05.2025. He further submitted that in this case the mandatory directions of the Apex Court to follow Section 41A not complied. He would further submit that the petitioner without prejudice to his contention on merits, is willing to resolve the issue with the defacto complainant by returning the sale consideration or by providing an alternate site in the same layout. Hence, prayed for bail.



CrI.O.P.No.16064 of 2025

WEB COPY

6.The learned Government Advocate (CrI. Side) filed his counter and submitted that the petitioner obtained General Power of Attorney for the land to the extent of 2.40 acres from Rasappa Gounder, Thulasiyammal of Veerapandi Village and grabbed the land of one Devika equivalent to that land and created a fraudulent sketch drawing a layout in the name of Sri Mahaganapathy Nagar, projected Plot Nos.82 and 83 are available in the land, sold the Plot Nos.82 and 83 to one Ramkumar and Premkumar in the year 2001 and then again to Sadasivam vagaiyara, thus made double sale in 2002 and cheated them. The said Ramkumar and Premkumar sold their Plot Nos.82 & 83 to Bhuvana defacto complainant, the 2nd Accused Krishnapriya daughter of Devika demolished the on-going constructions of defacto complainant/Bhuvana and thus caused loss of Rs.20 lakhs to the defacto complainant. Hence, a case registered in Crime No.10 of 2025 for the offence under Sections 120(B), 420 IPC r/w 3(1) of Tamilnadu Public Properties Damage Loss Act 1992. The Petitioner herein is the 1st accused. He would submit that during investigation, it was found that the petitioner obtained General Power of Attorney vide Doc.No. 153/1996 dated 31.07.1996 registered in the Office of the Sub Registrar,



WEB COPY

Periyanaickenpalayam for the property in S.F.No.68/1A, 69/1A to an extent of 1.0 Acre, S.F.No.68/3B, 69/1F to an extent of 1.38 Acre in Veerapandi village from Rasagounder and his wife Thulasiyammal, thereafter the petitioner created a fraudulent sketch in the same name of Srimahaganapathy Nagar which was sold as unrecognized house sites. In that sketch the petitioner grabbed land in S.F.No.69/1B to the extent of 49 Cents that belonged to R.Palanisamy which is equivalent to the land for which the petitioner got General Power of Attorney and created a fraudulent sketch that there are 82 to 98 house sites in it.

7.He further submitted that in the fraudulent sketch prepared making it to believe that the Plot Nos.82 and 83 in S.F.No.69/1B which is not covered under the General Power of Attorney as the sites in S.F.No.69/1A and sold it to Ramkumar and Premkumar vide Document No.3707 of 2001 dated 04.09.2001 and again on 11.04.2002 he had sold Plot Nos.82 and 83 along with the sites 15, 16, 81 to Sadasivam vide Document No.1950/2002 and thus, he sold the Plot Nos.82 and 83 sold twice and committed fraud. Investigation reveals that Ram kumar and Premkumar not involved in any offence and hence, they were removed from the case. Further, R.Palanisamy



WEB COPY

had given General Power of Attorney to Jaganathan who obtained general power sold it to Thangarasu and the said Thangarasu had given general power to Paramasivam and as per General Power of Attorney, Paramasivam sold the 12. Cents of land in S.F.No.69/1B to an extent of 12 Cents to Devika vide Document No.18252/2011 dated 27.12.2011. In the 49 Cents of land that was grabbed by the petitioner, Plot Nos.82 and 83 available in S.F.No.69/1B to an extent of 12 cents as per the fraudulent sketch which was purchased by Devika. He would further submit that while the petitioner got General Power of Attorney only for the land in S.F.No.69/1, he grabbed the land in S.F.No.69/1B and divided it as house sites and created fraudulent sketch and on the basis of the fraudulent sketch, the petitioner sold Plot Nos.82 and 83 to two parties and committed fraud and the defacto complainant who purchased it on the trust that it is a genuine property, now cheated. On the other hand one Krishnapriya daughter of Devika who claims purchase of land in S.F.No.69/1B given a complaint and stopped the work. Further, during enquiry it is found Krishnapriya demolished the construction of defacto complainant completely and thus caused a loss of Rs.20,00,000/- to the defacto complainant.



8.The learned Government Advocate (Crl. Side) further submitted that

the petitioner was involved in the following cases:

- (i) A case is registered with Kerala State, Ernakulam CBCID Cr.No.111/CR/EKM/2011 U/S 366(A), 342, 372, 373, 376, 506(i) r/w 34 IPC and is pending in court.
- (ii) He is the 2nd accused in the case registered in Coimbatore District Crime Branch Cr.No.22/2024 u/s 120-B, 419, 420, 467, 468, 471, 387, 341, 506(2) IPC. Presently this case is tried in Crl.O.P.No.10884/2025 by this Hon'ble Court and an interim stay is granted till 09.06.2025.
- (iii) In the said 22/2024 case, the 1st accused obtained anticipatory bail from this Hon'ble Court in Crl.O.P.No.31381/2024. The High Court that granted anticipatory bail ordered that no encumbrance should be created but he who was conditionally signing violated the court order by creating encumbrance in Document No.5087/2025 dated 13.02.2025.
- (iv) Based on the Encumbrance Certificate produced by the Defacto Complainant, the 1st accused caused encumbrance by making duplicate registration for the 6 sites vice Site No:1 sold for Immanuel, site No:2 sold for Eruth and Site No:8 sold for P.A.Ponnusamy, site



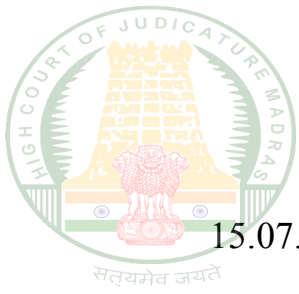
CrI.O.P.No.16064 of 2025

WEB COPY

No:9 sold for P.K.Balaji, site No:15 for A.Sathasivam and site No:16 sold for A.Sathasivam in the said house sites. The copies of the documents is to be obtained and this detail needs to be enquired.

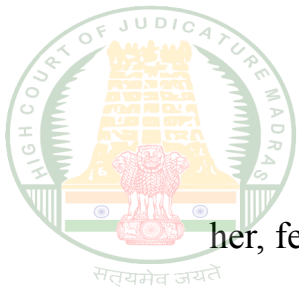
Hence, strongly opposed the bail application.

9.The learned counsel appearing for the intervener filed his counter and submitted that in the month of May 2022, the intervener and her husband told the broker Palanisamy for purchase of a house site and accordingly he informed that there is a house site in Veerapandi village and subsequently the petitioner/A1 shown the house sites in the layout namely Srimahaganapathy Nagar. The petitioner shown the Plot Nos.82 and 83 and confirmed sites are available for sale and they are in the name of Ramkumar and Premkumar, namely, A2 and A3 respectively. Subsequently, the petitioner fixed the sale consideration and the intervener purchased 2400 sq.ft. in Plot No.82 and 780 sq.ft. in Plot No.83 for a total sum of Rs.23,76,000/- on 03.06.2022 vide Sale Deed Document No.11877/2022. Subsequently intervener paid Rs.12,00,000/- for plot approval and applied for building plan to construct ground floor at 968 sq.ft. and first floor at 700 sq.ft., totally to construct a house of 1668 sq.ft. vide P.L.No.116/2022 dated



CrI.O.P.No.16064 of 2025

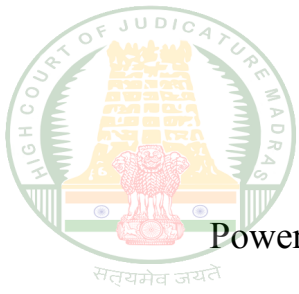
15.07.2022. The defacto complainant entered into a construction agreement with D.K. Associates at Coimbatore and arranged for housing loan for Rs.43,00,000/- on 03.08.2022. As it is a housing loan, in order to start the construction work the defacto complainant pledged her jewels and borrowed loan from her known persons and paid Rs.20,00,000/- and started construction. At that point of time, one Krishnapriya gave a complaint to the respondent police claiming that the land belongs to her and subsequently a police enquiry conducted, in which petitioner, Ramkumar and Premkumar attended and when the land was surveyed, the surveyor had given the report that the land belongs to the mother of Krishnapriya as per document. Hence, the intervener applied for Encumbrance Certificate, at that time, she came to know that the petitioner had sold Plot No.82 and 83 to Ramkumar and Premkumar on 04.09.2001 and again sold the same plots along with other plots to one Sadasivam on 11.04.2002. Thus, the petitioner sold the same plots twice to two different parties. Subsequently, on 31.01.2023 one Ramesh called the intervener and informed someone is demolishing the building which was under construction and when the Petitioner along with her son had gone there found the entire construction completely demolished, the petitioner was present with some unknown persons who all threatened



WEB COPY

her, fearing for her life, the defacto complainant left the place. The petitioner cheated the defacto complainant and caused loss to her to the tune of Rs.61,16,060/ by means of fraudulent sale as well as demolition of construction of her house and now the intervener lost the money as well as the possession of the house. Hence the intervener gave a compliant to the Superintendent of Police who forwarded to District Crime Branch, Coimbatore and further forwarded to the respondent police, FIR registered against the accused in Crime No.10 of 2025 on 15.05.2025 for the offence under Sections 120(B), 420 IPC and section 3(1) of TNPPDL Act, 1992. He further submitted that upon further enquiry the intervener came to know that the petitioner is involved in two such previous cases in Ernakulam CBCID Cr.No.111/CR/EKM/2011 and another case before the respondent police in Cr.No.22/2024 u/s 120-B, 419, 420, 467, 468, 471, 387, 341, 506(2) IPC. Hence, strongly opposed the bail application.

10.Considering the submissions made and on perusal of the materials, it is seen that the petitioner is a Realtor who developed layouts in Sri Mahaganapathy Nagar, earlier purchased 16.718 acres in S.Nos.59, 60 and 69 from various owners. The land owner in S.No.69 executed a registered



Power of Attorney in favour of the petitioner, in which, Plot Nos.82 and 83 available which was sold to Ramkumar and Premkumar on 04.09.2001.

Thereafter, the said Ramkumar and Premkumar sold the plots to Bhuvana/defacto complainant herein by a registered document. It is seen that the said Bhuvana applied for plot approval and planning permission for construction of house and she entrusted the construction work to D.K.Associates, when the work was in progress, one Krishnapriya, daughter of Devika made objections claiming that the plot belongs to her, engaged JCB, muscle men and demolished the entire construction. Thereafter, the present complaint lodged by the defacto complainant. It is further seen that the objections raised by the defacto complainant and by the respondent police is that the petitioner involved in similar nature of offences cannot be brushed aside as mistake. Now the petitioner produced a copy of the order passed by this Court in Crl.O.P.No.10884 of 2025, wherein this Court by order dated 10.06.2025 quashed the case in Crime No.22 of 2024. Likewise, the case in Crime No.111 of 2011 investigated by CBCID, Ernakulam, Kerala State which culminated as S.C.No.524 of 2014, the petitioner was acquitted of all charges by judgment dated 13.12.2024 and hence, these cases cannot be projected against the petitioner. It is seen that the layout in

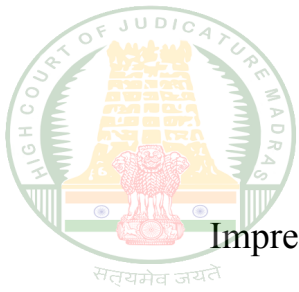


WEB COPY

16.718 acres consists of several plots and there is some confusion with regard to location plots in the layout, the petitioner sold Plot Nos.82 and 83 as early as in the year 2001 and the defacto complainant purchased the plots in the year 2022, twenty years thereafter. If there is any mix up or improper location, it can be sorted out, further the petitioner coming forward to resolve the issue and pay back the plot amount or provide an alternate plot. The difference between the petitioner and defacto complainant is the construction cost, loss due to demolition, further the defacto complainant to face the financial institution who gave housing loan which the petitioner to take care. Hence, the subsequent development cannot be termed as cheating by itself. Further, the dispute is based on the documents which are available and can be collected by the respondent. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail on executing a 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 Judicial Magistrate No.VI, Coimbatore and on further conditions that:

[a]the sureties shall affix their 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 their identity;

[b] Since the petitioner had shown interest in settling the dispute with the defacto complainant without prejudice to his rights, the case is referred to District Mediation Centre for arriving at an amicable settlement. The mediation process to be completed within a period of two months.

[c] the petitioner shall make available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner shall report before the respondent Police daily at 10.30 a.m. for a period of three weeks and thereafter as and when required in the event of failure of mediation.

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned



CrI.O.P.No.16064 of 2025

WEB COPY

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.

25.06.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

cse

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.



WEB COPY



CrI.O.P.No.16064 of 2025

To

- 1.The Judicial Magistrate No.VI,
Coimbatore.
- 2.The Central Prison,
Coimbatore.
- 3.The Inspector of Police,
District Crime Branch (DCB),
Coimbatore.
- 4.The Public Prosecutor,
Madras High Court.



WEB COPY



CrI.O.P.No.16064 of 2025

M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

CrI.O.P.No.16064 of 2025

25.06.2025