



Crl.O.P.No.17338 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17338 of 2025

Bharathi @ Thirugnanasambantha Bharathi

... Petitioner/A2

Vs.

The State rep by
Inspector of Police,
CCB, Coimbatore District.
(Crime No.41 of 2023)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.1330 of 2025, on the file of the learned Judicial Magistrate No.VII, Coimbatore District in Crime No.41 of 2023, on the file of the Inspector of Police, CCB, Coimbatore District.

For Petitioner : Mr.C.Muthu Saravanan

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

For Intervenor : Mr.C.Vignesh



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 12.10.2023, for the offences punishable under Sections 406, 420, 465, 466, 467, 468, 471, 120-B, 294(b) and 506(i) of I.P.C. in connection with Crime No.41 of 2023, registered on the file of the respondent, seeks bail.

2. The contention of the learned counsel for petitioner is that the petitioner/A2 was arrested by the respondent police on 12.10.2023, thereafter, the petitioner moved a bail application on 27.10.2023 before the learned Judicial Magistrate No.VII, Coimbatore in Crl.M.P.No.44912 of 2023 and the same was dismissed. Thereafter, the petitioner filed a bail application before the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.6291 of 2023 and the same was dismissed, against which, the petitioner filed a bail application before this Court in Crl.O.P.No.26510 of 2023 and the same was also dismissed on 01.12.2023. The petitioner filed a second bail application in Crl.M.P.No.52776 of 2023 before the learned Judicial Magistrate No.VII, Coimbatore. The learned Judicial Magistrate, by an order dated 18.12.2023, granted bail to the



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petitioner. In that second bail application the petitioner omitted to mention about the earlier dismissal of the bail by this Court. Hence, he prays for grant of bail to the petitioner. Hence, the de-facto complainant filed a cancellation of bail petition before this Court in Crl.O.P.No.555 of 2024 and this Court, by an order dated 25.04.2024 cancelled the bail order granted by the learned Judicial Magistrate No.VII, Coimbatore. Aggrieved by the same, the petitioner preferred SLP before the Hon'ble Apex Court in SLP (Criminal) Diary No.58504 of 2024 and the Hon'ble Apex Court by an order dated 20.12.2024 granted interim protection that the petitioner shall not surrender. Thereafter, the SLP came to be listed on 08.04.2025 in Special Leave to Appeal (Crl.) No.18310 of 2024 and the Hon'ble Apex Court directed the petitioner to surrender within one week. As per the order of the Hon'ble Apex Court, the petitioner surrendered before the learned Judicial Magistrate No.VII, Coimbatore on 15.04.2025. Investigation in this case completed and charge sheet filed on 29.04.2025 before the learned Judicial Magistrate No.VII, Coimbatore against the petitioner and A1/Palanivel and the same was taken on file in C.C.No.1330 of 2025. A1 was granted statutory bail by the trial Court in Crl.M.P.No.582 of 2025 on 22.01.2025 without any condition. Thereafter, again when the SLP was listed, the petitioner withdrew



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the SLP on 26.05.2025, since the prayer sought for in the SLP has become infructuous. Thereafter, he filed a bail application before the learned Judicial Magistrate No.VII, Coimbatore in Crl.M.P.No.5221 of 2025 and the same was dismissed on 30.05.2025. Thereafter the petitioner filed a bail application before the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.2400 of 2025 and the same was also dismissed on 06.06.2025, against which, the present bail application has been filed.

3.The learned counsel for petitioner submitted that the case against the petitioner is that the petitioner was present along with A1, who claims that he is the owner of 3.04 acres of land in Race Court Road, Coimbatore. The de-facto complainant and A1 entered into an agreement of sale on 22.09.2014 and the de-facto complainant paid a sum of Rs.16 lakhs by way of cheque and a sum of Rs.34 lakhs by way of cash in the year 2014. From the year 2014 to 2022, the de-facto complainant asked for registration of the sale deed, which was evaded by A1 and later it was found that A1 in this case not only cheated the petitioner but also several other persons and cases were registered against him by the Peelamedu Police, Vadavalli Police, Thudiyalur Police and DCB Coimbatore. The petitioner is not an accused in



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none of these cases. In the present case, since the petitioner is also in the real estate business and he was present in one of the negotiation between A1 and de-facto complainant, he has been implicated in this case. In fact, de-facto complainant is also into the real estate business and he cannot now claim as though he had gone by the oral representation made by the petitioner, when the documents and other materials produced by A1 has been verified and thereafter entered into the agreement. The petitioner is not a signatory to any of the document including sale agreement. The petitioner is in prison for more than 132 days. Hence, prayed for grant of bail to the petitioner.

4.Mr.C.Vignesh, learned counsel appearing for the intervenor/de-facto complainant submitted that the petitioner along with A1 had actively participated in commission of the offence. Both of them approached the de-facto complainant and projected that A1 is the legal heir of one Narayanasamy and produced forged Will. Believing the same to be true, the de-facto complainant entered into a sale agreement. Further, when the de-facto complainant questioned about the details of the property, a Civil Court decree in O.S.No.558 of 2014 dated 18.03.2024 produced by A1 in this case. At that time, the petitioner was also present. The petitioner and other accused

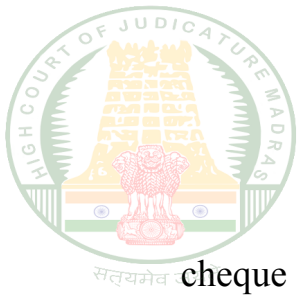


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had gone to the extent of forging the Court document and made the de-facto complainant to believe, who lost a sum of Rs.50 lakhs by deception and the petitioner and A1 have enriched themselves by this cheating and misappropriation. He further submitted that the petitioner and A1 are accused in Crime No.640 of 2023, which was registered by Peelamedu Police. Now the petitioner claims that he is nothing to do with A1 and falsely implicated in this case is sustainable, since one Lakshmanan had clearly given a complaint detailing the petitioner's role along with A1 in cheating and the case is under investigation.

5. The Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the de-facto complainant lodged a complaint and a case in Crime No.41 of 2023 registered on 10.10.2023 for offence under Sections 406, 420, 465, 466, 467, 468, 471, 120-B, 294(b) and 506(i) r/w 120-B of I.P.C. The petitioner and A1 had created forged documents including Court document and projected that A1 is the owner of the property to an extent of 3.04 acres in Race Course Road, Coimbatore, which is a prime locality. Believing their representation, the de-facto complainant entered into an agreement and paid Rs.50 lakhs, by way of



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cheque and cash. The petitioner was very much available with A1 in all the dealings and moving as shadow with A1. The petitioner and A1 conspired and cheated the de-facto complainant. Now investigation completed, charge sheet filed in C.C.No.1330 of 2025 and the case is posted for appearance of the accused on 11.08.2025. Hence, he strongly opposed for granting bail to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the submissions made and on perusal of the materials available on record, it is seen that petitioner is arrayed as A2. The primary overt act against the petitioner is that the petitioner along with A1 conspired and created forged document and committed cheating and misappropriation to the tune of Rs.50 lakhs. The de-facto complainant believing on the false representation of the petitioner and A1, had been cheated in this case. Now investigation completed, charge sheet filed. It is seen that in the complaint the de-facto complainant referred to earlier complaints given against A1 in Crime No.186/2014 by Vadavalli Police Station, Crime No.378/2014 by Peelamedu Police Station, Crime



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No.337/2014 by Thudiyalur Police Station and Crime No.64/2014 by DCB Coimbatore. In all these cases A1 is the accused. As regards Crime No.640 of 2023, which is being investigated by Peelamedu Police, though the petitioner is said to have been shown as an accused, he is neither arrested in that case nor called for any enquiry. In this case petitioner is in prison for more than 132 days. Investigation in this case is completed and charge sheet filed. 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 his 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 learned **Judicial Magistrate No.VII, 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] **the petitioner shall appear before the trial**



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Court on all hearing dates without fail;

[c] the petitioner shall make himself 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 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;

[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 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.

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M.NIRMAL KUMAR, J.

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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 No.VII,
Coimbatore.

2.Inspector of Police,
CCB, Coimbatore District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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