



CRL OP(MD). No.1520 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Hariram,
S/o. Velsamy,
Door No. 4/522,
Sithurajapuram,
Saraswathipalayam,
Sivakasi Taluk,
Virudhunagar District.

... Petitioner/ Accused 5

Vs

The State of Tamil Nadu,,
Rep. by the Sub-Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No. 10 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.R.Chandrasekar,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

For Intervener : Mr.J.Jeyakumaran, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :- For Bail in Crime No. 10 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 17.12.2024 for offences under Sections 120(b), 420, 465, 468, 471, 294(b) and 506(ii) of IPC in Crime No.10 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that Accused No.1 had forged and fabricated a Board resolution as if it was passed by the Company called as M/s.IVR Prime Developers. Based on the same, a sale deed came to be executed in favour of Accused Nos.2 to 5 and the property belonging to the Company was dealt with. Thereafter, Accused Nos.2 to 5 sold the property in favour of the defacto complainant. The defacto complainant issued a cheque for a sum of Rs.85,87,000/- and this amount was also encashed by the accused persons. When the defacto complainant was insisting for handing over of the original document, it was not handed over and later, it came to light that the original documents are only with the Company, who is the original owner of the property. There are totally seven accused persons in this case and the petitioner has been arrayed as Accused No.5.

3. The learned Additional Public Prosecutor appearing for the respondent Police submitted that Accused No.1 was arrested and later was enlarged on statutory



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bail. He further brought to the notice of this Court that the petitioner filed anticipatory bail petition, which was not entertained by this Court and thereafter, the petitioner was arrested and remanded to judicial custody from 17.12.2024. He further submitted that other accused persons are absconding and steps are being taken to secure them.

4. The learned counsel appearing for the intervener submitted that the defacto complainant has been cheated to the tune of Rs.85,87,000/- and the cheque that was issued was also encashed by the accused persons and they have taken away the money. Now the defacto complainant has been left high and dry, since the very right over the property is under question and that apart, a substantial amount has also been taken away from the defacto complainant. Hence, the learned counsel appearing for the intervener vehemently opposed the grant of bail to the petitioner.

5. Heard the learned counsel on either side.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 17.12.2024 and other accused persons are absconding and by keeping the petitioner inside the jail, no substantial progress can be made in the investigation and considering the fact that there are no previous cases against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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7. Accordingly, the criminal original petition is ordered and 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 learned Judicial Magistrate No.II, Virudhunagar and on further conditions that:-

[a] 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 petitioner shall report before the respondent Police every Monday, Wednesday and Friday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the 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)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-
29/01/2025

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29/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

4 THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.1520 of 2025
Date :29/01/2025

SA/SAR. /29.01.2025/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.