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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.04.2025

Pronounced on : 08.05.2025

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THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).Nos.2366 and 3094 of 2025

and

CRL.MP(MD).Nos.3099 and 2486 of 2025

1.Senthilkumar

2.Mathivanan

...Petitioners / Accused Nos.3 & 4
in Crl.O.P.(MD).No.2366 of 2025

Selvam

...Petitioner / Accused No.2
in Crl.O.P.(MD).No.3094 of 2025

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.10 of 2024)

... Respondent / Complainant
in both cases

COMMON PRAYER :- The Criminal Original Petitions filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.10 of 2024 on the file of the respondent-police.



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For Petitioners : Mr.G.Thalaimuthurasu,
Advocate
in Crl.O.P.(MD).No.2366 of 2025

Mr.K.K.Udayakumar,
Advocate
in Crl.O.P.(MD).No.3094 of 2025

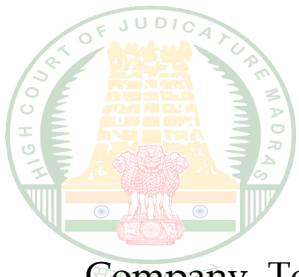
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor
in both cases

COMMON ORDER : The Court made the following order :-

These Criminal Original Petitions in CRL.OP(MD).Nos.2366 and 3094 of 2025 have been filed by the petitioners on 04.02.2025 and 17.02.2025 respectively under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant pre-arrest bail to the petitioners.

2. The petitioners in both these petitions apprehend arrest at the hands of the respondent-police for the offence punishable under Sections 120(B), 420, 465, 468, 471, 294(b) and 506(2) of Indian Penal Code, 1860, in Crime No.10 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the subject property, situated at Ammapatti, Sattur, Virudhunagar District, measuring an extent of 27.70 acres, originally belonged to IVR Prime Developers (ARRAKKU) Pvt. Ltd. It is alleged that A1, who is an Assistant Engineer, authorized to sell the properties of the said



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Company. To that effect, he produced a company resolution purporting to authorize him to deal with the property, although no such authority was genuinely conferred. Relying on this resolution, the part of property was sold in favour of the 2nd to 4th accused, and subsequently, the property was sold to the defacto complainant, his wife and his brother-in-law through three sale deeds. When the defacto complainant insisted on the production of the parent documents, the accused persons began to evade. It was under these circumstances, the complaint was lodged with the respondent-police.

4. The learned counsel for the petitioners in all cases submitted that the petitioners claim to be bona fide purchasers who had verified all relevant documents, including the authorization letter dated 24.07.2019 and 24.06.2023 and the parent sale deeds, prior to the transaction. They further submitted that they assert that the defacto complainant was provided with the necessary documents at the time of registration and that there was no fraudulent intent on their part. It was further submitted that N.S. Mani (A1) had acted as the authorised signatory and had previously executed similar sale deeds in the years 2014, 2016, and 2017. They further contend that the petitioners are victims of the alleged fraudulent acts of A1 and rely on several sale deeds executed by him during those years. They further submits petitioners are law-abiding citizens, fully willing to cooperate with the



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investigation, and allege that their implication in the case is arbitrary and motivated by the influence of the complainant. Further, the learned counsel for the petitioner in CrI.O.P.(MD) No.2366 of 2025 submitted that the petitioner has not only paid the sale consideration through cheque but also made cash payments to A1. He further stated that, to demonstrate their bona fides, the petitioner is willing to get re-conveyance the properties from the defacto complainant for the same sale consideration. Accordingly, he prayed to allow the Criminal Original Petition.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondent-police submitted that the investigation reveals a clear criminal conspiracy among the accused to cheat the defacto complainant by fabricating documents and impersonating authority. He emphasized that Accused No.1, N.S. Mani, was not authorised by M/s. IVR PRIME DEVELOPERS (ARAKKU) Pvt. Ltd. to alienate or deal with the property in question. Despite this, the petitioners, particularly A2 to A4, actively participated in the execution of multiple sale deeds based on unauthorised and fraudulent representations, which resulted in wrongful gain to the accused and loss to the complainant. The Public Prosecutor also pointed out that the cheques reflected in the sale documents (Nos.9259 of 2021, 9260 of 2021, 8209 of 2023 and 8210 of 2023) were never encashed, proving that the transactions



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were sham and devoid of actual consideration. This fortifies the case of forgery and cheating. Therefore, the learned Additional Public Prosecutor vehemently opposed to grant of bail to the petitioners, submitting that if the petitioners released on bail, they may abscond, threaten the witnesses. Accordingly, he prayed for dismissal of the bail petition.

6. The learned counsel for the interveners submitted that Cheque Nos. 130893 and 130894, referred to in Document Nos. 8209 of 2023 and 8210 of 2023, issued by A2 in favour of A1, were never encashed. Likewise, Cheque Nos. 035035 and 035036, mentioned in Document Nos. 9259 of 2021 and 9260 of 2021, issued by A3 and A4 in favour of A1, were also not encashed, and therefore, the said documents are fraudulent. Hence, A2 to A4 have made wrongful gain through documents unsupported by actual consideration. Accordingly, they prayed for dismissal of the Criminal Original Petitions.

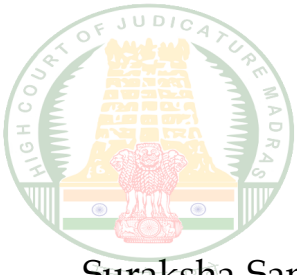
7. This Court has considered the submissions made by the learned counsel on either side and perused the materials available on record.

8. The documents placed before this Court reveal that the petitioners claim to have derived title from one N.S. Mani (A1), who allegedly acted as an authorized signatory of the company. However, the very authenticity of the said board resolution is under serious dispute, and the investigation reveals that N.S. Mani had



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no authority whatsoever from the company to execute any sale on its behalf. The non-encashment of the cheques mentioned in the impugned sale deeds further reinforces the prima facie case that the transactions were not genuine. The argument of the learned counsel for the petitioners that the sale deed mentions consideration paid in cash is not believable, as the property belongs to the company, and consideration cannot be paid in cash to an individual. It raises legitimate concerns about the bona fide of the transaction. Further, the argument of the learned counsel that the petitioners are ready to get re-conveyance the properties is baseless, since the title of the property in favour of the defacto complainant itself is under question. In the present case, there are sufficient allegations and material to suggest that the petitioners and the other accused persons acted in collusion to create a false chain of title based on forged or fraudulent documents. Further, the apprehension expressed by the prosecution that the petitioners, if enlarged on anticipatory bail, may influence witnesses or tamper with evidence, cannot be brushed aside lightly. The offence alleged involves serious acts of forgery, impersonation, criminal breach of trust, and conspiracy affecting title to immovable property, which warrant a thorough and unhampered investigation. Given the gravity of the offence, the status of the investigation, and the nature of the allegations, this Court is of the view that this is not a fit case to exercise the discretion under 482 of the Bharatiya Nagarik



Suraksha Sanhita (BNSS), 2023, in favour of the petitioners at this stage. Hence, this
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Court is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, these Criminal Original Petitions are dismissed. Consequently,
the connected miscellaneous petitions are closed.

sd/-
08/05/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Inspector of Police,
District Crime Branch,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) Nos.2366 & 3094 of 2025
Date :08/05/2025

MK/SAR /15.05.2025 7P/3C

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