



CRL.OP (MD) No.5225 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.5225 of 2025

and

CRL. MP (MD) No.4113 of 2025

1.N.Kuppusamy

2.S.Kuppusamy

3.P.Ravi

4.R.Vinodh Meganathan

5.D.Sasikala

... Petitioners / A2 to A6

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai District.
(Crime No. 1 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.1 of 2025 on the file of the respondent-police.

For Petitioners

: Mr.N.Mohideen Basha
Advocate

<https://www.mhc.tn.gov.in/judis>



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

For Intervener : Mr.V.Kathirvel, Senior Counsel
for Mr.K.Jeyamohan, Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 19.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the alleged offences punishable under Sections 319(2), 318(4) and 336(2) of 'Bharatiya Nyaya Sanhita, 2023' ['BNS' for short], in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that Accused No.1, falsely claimed to be the Managing Director and authorized signatory of 'M/s. VGP Housing Private Limited' ['VGP Housing' for short], and in furtherance of that false claim, executed a fraudulent Sale Deed dated 07.02.2025 in respect of lands measuring 10.78 Acres situated at Boothakudi Village, Viralimalai Taluk, Pudukkottai District, covered in Survey Nos.223/1, 222/6, 222/7, 222/8A, 236/1A, 236/1G, 236/1B, 236/1C, 237/4 & 237/5A. The document was registered as Document No.812/2025 with the Sub-

Registrar Office, Viralimalai. Despite a protest petition filed by the defacto

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complainant on 24.11.2022, the Sub-Registrar allowed the registration of the sale deed without proper verification. Accused No.1 sold the property to the petitioners (A2 to A6) for a sale consideration of Rs.2,93,03,540/-. However, the said amount was paid into the personal bank account of Accused No.1, instead of that of VGP Housing, which is the rightful owner of the property. Accused No.1 had no legal authority to represent VGP Housing. Accused No.1, in collusion with the petitioners (A2 to A6) and the Sub-Registrar, created and executed forged documents. Hence, the case.

4. Mr.N.Mohideen Basha, learned counsel for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution and that a false case has been foisted against them. He further submits that the petitioners herein are the purchasers of property from Accused No.1, who is a shareholder of the joint family property owned by VGP Housing. He further submits that the said property has not been partitioned till date and that Accused No.1 holds half of the shares of M/s.V.G.Paneerdas & Co, which is the parent company of VGP Housing. Further, some disputes arose among the partners leading to arbitral proceedings and this Court appointed a sole arbitrator, who has stated that Accused No.1 holds absolute rights to sell the properties under V.G.P.

4.1. However, the learned counsel appearing for the petitioners filed an affidavit before this Court, stating that they are ready and willing to cancel the Sale



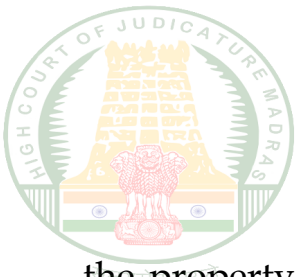
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Deed dated 07.02.2025 executed by Accused No.1. The relevant portion of the
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affidavit is extracted hereunder:

“2. Despite of our bonafideness, we were called upon to attend the enquiry by the Respondent Police pursuant to the FIR bearing Cr. No. 1 of 2025 filed by the Respondent Police against the said Amaldas Rajesh. On account of which we had to move this Hon'ble Court by filing the present petition seeking for Anticipatory Bail. In order to resolve the issue amicably, we have decided to cancel the said Sale Deed dated 07.02.2025 executed by the said Amaldas Rajesh representing M/s. VGP Housing Pvt Ltd. We undertake to cancel the Sale Deed dated 07.02.2025 at the earliest by cooperating by with Amaldas Rajesh and the same is without any prejudice to our rights against Amaldas Rajesh.”

He therefore prays for granting pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, submits that Accused No.1, without any authorization, sold the property to the petitioners (A2 to A6) belonging to the defacto complainant. He further submits that in the Sale Deed, Accused No.1 claimed to be an authorized person to sell the said property but failed to produce any resolution of the Company or its Board of Directors authorizing him to do so. It is also submitted that the petitioners purchased



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the property from Accused No.1, who was neither a Director nor the owner of the said property, and had no valid authorization to sell it. As the investigation is still pending, the learned Public Prosecutor prays for dismissal of the petition.

6. Mr.V.Kathirvel, learned Senior Counsel for Mr.K.Jaya Mohan, learned Counsel on record for the intervener / defacto complainant - VGP Housing, submits that Accused No.1 and other accused persons including the petitioners (A2 to A6) fraudulently alienated the property belonging to the intervener / defacto complainant - VGP Housing, by falsely claiming to be an authorised signatory based on an arbitration award that has already been set aside by this Court. The disputed property, measuring 10.78 Acres, was sold to the petitioners (Accused Nos.2 to 6) through a collusive Sale Deed dated 07.02.2025, and the same was registered by Sub-Registrar despite a protest petition dated 24.11.2022 and without any authorisation or board resolution from VGP Housing. The original title documents remain with VGP Housing, but Accused No.1 misrepresented ownership and received the sale consideration personally. The property is a prime land near Viralimalai Tollgate on the Trichy-Madurai National Highway, and the market value was grossly undervalued. Accordingly he prays to intervene and dismiss this pre-arrest bail petition.

7. Heard the learned counsel on either side and perused the materials available



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on record.

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8. It is the fact that the petitioners filed an affidavit before this Court, stating that they are ready and willing to cancel the Sale Deed dated 07.02.2025 executed by Accused No.1. Considering the undertaking given by the petitioners, the fact that Accused No.1 was granted bail in CrI.O.P.(MD) No.6331 of 2025, which was heard simultaneously with this petition, and taking note of the fact that the petitioners are purchasers of the property from Accused No.1, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners, however, subject to the following conditions:-

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned (*)Judicial Magistrate No.II, Pudukottai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned (*)Judicial



Magistrate No.II, Pudukottai.

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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned (*)Judicial Magistrate No.II, Pudukottai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall furnish their residential address and mobile number to the learned (*)Judicial Magistrate No.II, Pudukottai.

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.30 a.m. until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not leave India without the previous permission of the Court.

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders
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against the petitioners in accordance with law as if the aforementioned conditions are
imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of
Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the
conditions stated supra. Consequently, connected Miscellaneous Petition is closed.

sd/-
16/04/2025

(*AMENDED AS PER THE
ORDER OF THIS HON'BLE
COURT DATED 28.05.2025 CRL
MP(MD) No.6643 of 2025 in CRL
OP(MD) No.5225 of 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.

JEN
TO

(TO BE SUBSTITUTED WITH THE ORDER DATED 16/04/2025 ALREADY
DESPATCHED)

- 1 THE JUDICIAL MAGISTRATE NO.I, PUDUKOTTAI.
- 2 THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

<https://www.mmc.in.gov.in/judis>



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4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, PUDUKOTTAI DISTRICT.

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

+1 cc to Mr.K.JEYAMOHAN, Advocate, SR.No.4357 (I) DT.17/04/2025

ORDER
IN
CRL OP(MD) No.5225 of 2025
Date :16/04/2025

SA/SAR. /21.05.2025/9P/6C

NBF/SAR./06/06/2025/9P/7C

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