



CRL.OP (MD) No.5630 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.5630 of 2025

B.Umasankari
W/o.R.Saravanan,
Sub Registrar, Viralimalai,
Pudukkottai.

... Petitioner / Accused Rank
Not Known

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
District Crime Branch - II Police Station,
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
petitioner in Crime No.1 of 2025 on the file of the respondent-police.

For Petitioner : Mr.T.J.Ebinezar Charles
Advocate

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

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends 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 complainant on 24.11.2022, the petitioner (Sub-Registrar) allowed the registration of the sale deed without proper verification. Accused No.1 sold the property to A2 to A6 for a sale consideration of Rs.2,93,03,540/-. However, the said amount was paid



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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 purchasers and the petitioner (Sub-Registrar), created and executed forged documents. Hence, the case.

4. Mr.T.J.Ebinezar Charles, learned counsel for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against her. He further submits that a protest petition was filed by one Thangiah, who has no locus standi, and that the petitioner had instructed him to produce a resolution copy of the Board of Directors in order to file the protest petition, as he is neither the owner of the property nor was affected by the transaction, as per the Circular dated 04.10.2018.

4.1. He submits that since the said Thangiah failed to submit the required resolution, the petitioner dismissed the protest petition. It is further submitted that since Accused No.1, in the sale deed, claimed to have the power to sell the property as a partner, director, and shareholder of VGP Housing, as stated in the Arbitration Awards dated 18.03.2021 and 13.12.2023, the petitioner (Sub Registrar) registered the sale deed submitted by Accused No.1. The learned counsel further submits that the petitioner merely discharged her official duties and has no involvement in the alleged offence. He accordingly prays for granting pre-arrest bail to the petitioner.



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5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, submits that Accused No.1, without any authorization, sold the property to A2 to A6 belonging to the defacto complainant. He further submits that in the Sale Deed, Accused No.1 had claimed to be 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 and that Accused No.1, never having been a Director or owner of the said property, had sold the same without any valid authorization. He further submits that even though a protest petition was filed on behalf of the defacto complainant, the petitioner (Sub-Registrar) purportedly registered the sale deed in collusion with the other accused persons, without considering the records and the resolution of the company. 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 petitioner (Sub-Registrar) 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 Accused Nos.2 to 6 through a collusive



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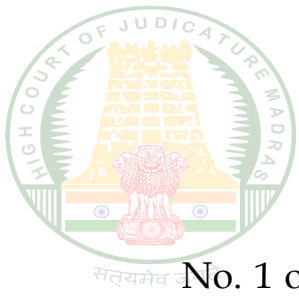
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Sale Deed dated 07.02.2025, and the same was registered by the petitioner (Sub-Registrar) despite a protest petition dated 24.11.2022 and without any authorisation or board resolution from VGP Housing. The original title documents remain with VGP Housing, 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 on record.

8. When the matter is taken up for hearing today (i.e., 16.04.2025), the learned counsel appearing for the petitioners in CrI.O.P.(MD) No.5225 of 2025 [alleged purchasers (A2 to A6) from Accused No.1] 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 and registered by the present petitioner (Sub-Registrar). To be noted, this Criminal Original Petition and CrI.O.P.(MD) No.5225 of 2025 are heard simultaneously, and orders are being passed simultaneously. The relevant portion of the 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.



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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."

9. Based on the above undertaking, the petitioner in Crl.O.P.(MD) No.6331 of 2025 [the alleged seller (Accused No.1)] was granted bail, and the petitioners in Crl.O.P.(MD) No.5225 of 2025 [the alleged purchasers (Accused Nos.2 to 6)] were granted pre-arrest bail. The allegation against the petitioner, who is a Sub-Registrar, is that she registered the Sale Deed presented by the other accused persons despite a protest petition having been filed. In view of the offences allegedly committed by the petitioner, and considering the undertaking given by the purchasers of the land, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has 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 petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner, however, subject to the following conditions:-

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest



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or in the event of her 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) 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.

(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 petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.II, Pudukottai.

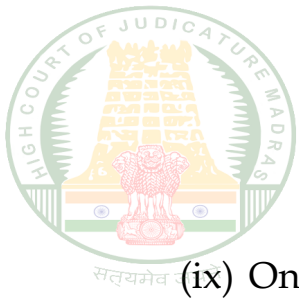
(iv) The petitioner shall appear and sign before the respondent-police, weekly twice i.e., on every Saturday and Sunday at 10:30 a.m., until further orders.

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

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

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



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner 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].

10. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
16/04/2025

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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 JUDICIAL MAGISTRATE NO II,
PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI
DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH-II POLICE STATION, PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-4276[I] dated 16/04/2025)



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ORDER

IN

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Date :16/04/2025

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