



CRL.OP (MD) No. 6331 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. 6331 of 2025

Amaladas Rajesh,
S/o. V.G. Santhosam,
M/52 Years,
14, Majestic Colony,
Anna Nagar, Chennai.

... Petitioner / Accused No.1

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 :- Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner /
Accused No.1 in Crime No.1 of 2025 on the file of the respondent-police.

For Petitioner :	Mr.John Sathyan, Senior Counsel for Mr.N.Mohideen Basha, 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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This Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanita (BNSS), 2023 seeking bail for the petitioner / Accused No.1.

2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 16.03.2025 in Crime No.1 of 2025 on the file 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].

3. The case of the prosecution is that the petitioner / 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 Sub-Registrar allowed the registration of the sale deed without proper verification. The petitioner/ Accused No.1 sold the property to A2 to A6 for a sale consideration of Rs.2,93,03,540/-. However, the said amount



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was paid into the personal bank account of the petitioner/Accused No.1, instead of that of VGP Housing, which is the rightful owner of the property. The petitioner/Accused No.1 had no legal authority to represent VGP Housing. The Petitioner /Accused No.1, in collusion with the purchasers and the concerned Sub-Registrar, created and executed forged documents. Hence, the case.

4. Mr.John Sathyan, learned Senior Counsel appearing for Mr.N.Mohideen Basha, learned Counsel on record for the petitioner / Accused No.1, on the previous hearing held on 15.04.2025, submitted that the petitioner is an innocent and has been falsely implicated in this case. The petitioner has been under incarceration since 16.03.2025. He further submitted that the petitioner is a shareholder of the joint family property owned by VGP Housing and the said property has not been partitioned till date. The petitioner 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 the petitioner holds absolute rights to sell the properties under V.G.P.

4.1. 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 the petitioner] filed an affidavit before this Court today, stating that they are ready and willing to cancel the Sale Deed dated 07.02.2025



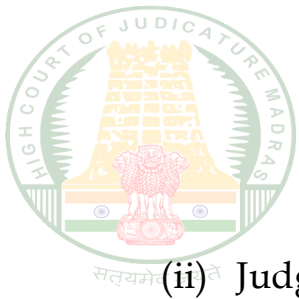
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executed by the present petitioner. To be noted, this Criminal Original Petition and
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Crl.O.P.(MD) No.5225 of 2025 are heard simultaneously, and orders are being passed
simultaneously. The relevant 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. 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.”

The learned Senior Counsel appearing for the petitioner prays to allow the Criminal Original Petition and enlarge the petitioner on bail. The learned Senior Counsel relies on the following Judgments:-

- (i) Judgment of Hon'ble Supreme Court in MIR Nagvi Askari -vs- Central Bureau of Investigation, reported in (2009) 15 SCC 643;



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(ii) Judgment of Hon'ble Supreme Court in Mohamed Ibrahim -vs- State of Bihar, reported in (2009) 8 SCC 751;

(iii) Judgment of Hon'ble Supreme Court in Sheila Sebastin -vs- R.Jawaharaj, reported in (2018) 7 SCC 581.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor submits that the petitioner without any authorization sold the property to A2 to A6 belonging to the defacto complainant. He further submits that the petitioner has a history of criminal cases pending and is a habitual offender. He further submits that in the Sale Deed, the petitioner 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. Further, he submits that the petitioner, never having been a Director or owner of the said property, had sold the same without any valid authorization. The letter annexed to the Sale Deed, purportedly issued by the petitioner himself, is stated to be sufficient to establish the offence of cheating. He further submits that the petitioner had misappropriated the sale consideration without depositing the same into the company's account. As the investigation is still pending, the learned Public Prosecutor prayed 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



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that Accused No.1 and other accused persons 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 Sale Deed dated 07.02.2025, and the same was registered despite a pending 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 the bail petition.

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

8. The submission of the petitioner is that he is a shareholder of the joint family property owned by VGP Housing, which has not been partitioned till date, and that he holds half of the shares in M/s.V.G. Paneerdas & Co., which is the parent company of VGP Housing. Based on this, he sold the property to A2 to A6. The submission of the defacto complainant is that the petitioner, by falsely claiming to be



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an authorised signatory based on an arbitration award that had already been set aside by this Court, sold the property to A2 to A6, and the sale proceeds were not credited to the account of the company. In view of the above, it is clear that there was a property dispute between the parties, and an arbitral award was passed, which was later set aside by this Court. However, the petitioner had already alienated the property to A2 to A6. Be that as it may, in the earlier hearing, the father of the petitioner filed an affidavit stating that he is a senior member of the family and will intervene in the issue to try to settle matter. Further, the petitioners in CrI.O.P.(MD) No.5225 of 2025, who are the purchasers of the said property, have filed an affidavit before this Court today, stating that they are ready and willing to cancel the Sale Deed dated 07.02.2025 executed by the present petitioner. The learned Senior Counsel for the petitioner also undertook that the petitioner will do the needful. In view of the above developments, this Court is of the view that further custody of the petitioner is not necessary for the Investigating Agency in this case. Further, in view of the undertaking affidavit filed by the petitioners in CrI.O.P.(MD) No.5225 of 2025, there is no necessity to delve further into the matter at this stage. Hence, this Court is inclined to grant bail to the petitioner, however, subject to the following conditions:-

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Pudukkottai.

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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, Pudukkottai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Pudukkottai, on all working days, at 10.00 a.m. until further orders.

(iv) As agreed by the petitioners in Crl.O.P.(MD) No.5225 of 2025 and the petitioner in this case, the Sale Deed dated 07.02.2025 executed by the petitioner herein shall be cancelled, within a period of one month from today.

(v) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Pudukkottai.

(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vii) The petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(viii) 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



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from disclosing such facts to the Court or to any police officer or tamper with the
evidence.

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

(x) The petitioner shall not leave India without prior permission from the learned Judicial Magistrate No.II, Pudukkottai.

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Pudukkottai or the Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him / her 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.

sd/-
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Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal
TO

1.The Judicial Magistrate No.II, Pudukkottai.



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2.The Officer-in-Charge, District Prison, Pudhukottai.

3.The Inspector of Police, District Crime Branch, Pudukkottai District.

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

+1. CC to K.JEYAMOHAN Advocate SR.No.4356(I) DATED 17/04/2025

ORDER
IN

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Date :16/04/2025

NBF/SAR/ (17/04/2025) 10P/6C

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