



CRL OP(MD)No.12005 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08.08.2025

PRESENT

The HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL OP(MD)No.12005 of 2025

Sri Pugal @ Sri Pugal Indira

... Petitioner

Vs

The Inspector of Police,
Central Crime Branch,
Madurai City.
Crime No.12/2022.

... Respondent

For Petitioner : Mr. Ramasamy S,

For Respondent : Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl.Side)

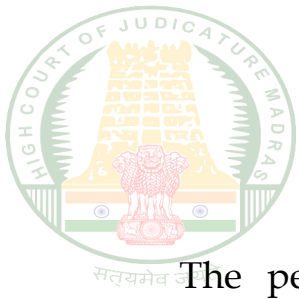
For Defacto : Mr.Poorna Chandran
complainant

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.12 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-



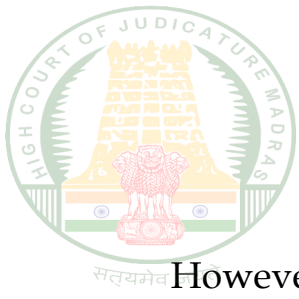
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The petitioner/the first accused in Crime No.12 of 2022 has filed this application seeking bail in Crime No.12 of 2022.

2.The case of the prosecution is that this petitioner along with his wife had received a sum of Rs.47,26,000/- from the defacto complaint for arranging a job. The petitioner was arrested in this case on 12.05.2022. The petitioner has moved a bail application before the Principal Sessions Court, Madurai in Crl.M.P.No.2389 of 2022. Pending the application, a memo of compromise has been filed on behalf of the defacto complaint in Crl.M.P.No.2389 of 2022. The learned Sessions Judge, Madurai, by his order dated 09.06.2022 granted bail to the petitioner. The petitioner, thereafter failed to comply with the terms of the compromise arrived at between them and therefore, an application was moved by the defacto complainant before this Court in Crl.O.P.(MD)No.797 of 2023 seeking to cancel the bail granted to this petitioner and the same was considered by this Court by its order dated 29.03.2023 as under:

"5.It is true that the cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Where the Court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record. In the case on hand also, the respondents 2 and 3 were granted bail by the Court below on the ground of compromise entered into between the parties.



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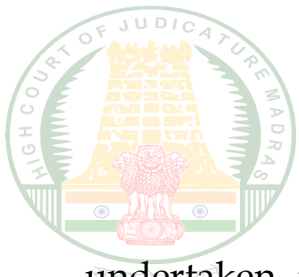
However, according to the petitioner, there was no compromise and even according to the respondents 2 and 3/A1 and A2 herein are concerned, they mortgaged the property in favour of the petitioner and thereafter, they failed to return the amount in order to redeem the mortgage. Therefore, once false representation made and the respondents 2 and 3/A1 and A2 have obtained bail from the Court below. Hence, the respondents 2 and 3 herein are failed to comply with the condition as agreed by them and the bail is liable to be cancelled.

6.The learned counsel for the respondents 2 and 3 would submit that they have already handed over the entire bundle and they had given change of vakalath. Even then the respondents 2 and 3 herein have failed to engage the new counsel and also no appearance today either by person or through pleader.

7.Accordingly, the order of bail granted to the respondents 2 and 3 in Crl.M.P.No.2389 of 2022 by the learned Principal Sessions Court, Madurai, dated 09.06.2022 is cancelled and this petition is allowed. The first respondent police is directed to secure the respondents 2 and 3 and proceed in accordance with law."

3.Therefore, on 21.05.2025 the petitioner was arrested by the respondent Police pursuant to the orders of this Court in Crl.O.P(MD)No.797 of 2023 dated 29.03.2023 and remanded to judicial custody. The petitioner has now moved this application seeking bail.

4.The learned Counsel for the petitioner submits that the bail granted by the Sessions Court has been cancelled by this Court by considering the affidavit filed by the petitioner for compromise. In this compromise memo, the petitioner has



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undertaken to mortgage his property in favour of the defacto complainant as security for the liability of the petitioner of Rs.47,26,000/-. He further submits that this affidavit has been filed before the learned Judicial Magistrate and not before the Principal Sessions Court, Madurai. However, it has been projected as if that the petitioner has obtained bail from the Principal Sessions Court and cheated the defacto complainant. He further submits that after the orders passed by this Court in CrI.O.P.(MD)No.797 of 2023, dated 29.03.2023, the petitioner has executed a sale deed in respect of his subject property in favour of the complainant by way of a registered document in Document No.1963, dated 05.05.2025. Despite the same, he has been arrested and languishing in jail from 21.05.2025. According to the learned Counsel for the petitioner, the case is of the year 2022, investigation has not been completed so far. He was in jail from 12.05.2022 to 09.06.2022 and thereafter is in jail from 21.05.2025 to till date. The learned Counsel submits that since the respondent police has not filed the final report, the petitioner is entitled for statutory bail.

5.The learned Government Advocate (CrI.Side) by referring to the order passed by the Principal Sessions Court, Madurai in CrI.M.P.No.2389 of 2022 submits that the Principal Sessions Court has granted bail to the petitioner by considering the affidavit filed by the petitioner before the learned Judicial Magistrate No.I,



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Madurai. The said affidavit has been executed by him while he was in prison and it was attested by the jail authorities. In that affidavit, the petitioner has given an undertaking that as a security for the amount which he has received from the defacto complainant, he is willing to execute a mortgage deed. After released on bail, the petitioner has executed a mortgage deed, however, immediately he filed a civil suit as if the mortgage deed has been obtained from this petitioner in a coercive manner. The learned Government Advocate (Crl.Side) has also relied on the earlier orders of this Court cancelling the bail granted to this petitioner in Crl.O.P(MD) No.797 of 2023. He further submits that this petitioner is a habitual offender, who has involved in similar offences and the petitioner is having five previous cases to his credit.

6.This Court has considered the rival submissions made and also perused the materials available on record.

7.The petitioner has been arrested subsequent to the orders of this Court passed in Crl.O.P.(MD)No.797 of 2023, dated 29.03.2023. The petitioner was initially granted bail by the Principal Sessions Court on 09.06.2022, based on the compromise memo filed before the Principal Sessions Court. It appears that the bail has been



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granted by the Principal Sessions Court only by considering the compromise memo filed on behalf of the petitioner. The petitioner has filed the affidavit along with the attestation of the jail authority, wherein he has undertaken to execute the mortgage deed for the money which he has received from the defacto complainant. After released on bail, the petitioner has changed his attitude and filed a civil suit before the V Additional District Munsif Court in O.S.No.12 of 2023 with an averment that this mortgage deed has been obtained from him forcibly. Having filed an undertaking affidavit before the learned Judicial Magistrate No.I, Madurai, as he will execute mortgage deed and also having executed the mortgage deed, the petitioner has filed a civil suit as against the defacto complainant as if it has been obtained in a forcible manner.

8.In an earlier occasion, ie., on 04.08.2025, the learned counsel appearing for the petitioner submitted that he would advise his client to withdraw the suit in O.S.No.12 of 2023 and by recording the same, this case was adjourned and listed today.

9.The learned counsel appearing for the defacto complainant submits that the defacto complainant has also filed a suit for redemption of mortgage in O.S.No.164



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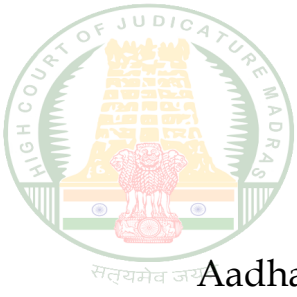
10.The learned counsel on either side submits that the suit filed by the defacto complainant has already been referred to the Lok Adalat and therefore, the petitioner has also given a letter to refer the matter to the Lok Adalat. They further submit that they would solve the issue before the Lok Adalat and the petitioner also undertakes to settle the amount to the defacto complainant.

11.Recording the above submissions, this Court is inclined to grant bail to the petitioner with certain conditions.

12.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail

i) on the petitioner executing a bond for a sum of Rs.25,000/-
(Rupees Twenty Five Thousand) with two sureties each for a like sum
to the satisfaction of the learned Judicial Magistrate No.I, Madurai.

ii) The petitioner and the sureties shall submit a copy of their



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Aadhaar Card or any other identity card issued by the government in proof of their residence address;

iii) The petitioner shall report before the respondent Police daily at 10.30 am., for a period of one week, thereafter, as and when required.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
08/08/2025

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08/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,



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Madurai - 625 023.

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TO

- 1.The Judicial Magistrate No.I, Madurai.
 - 2.Do through the Chief Judicial Magistrate, Madurai.
 - 3.The Superintendent, Central Prison, Madurai.
 - 4.The Inspector of Police,
Central Crime Branch, Madurai City.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.S.RAMASMAY, Advocate (SR-8606[I] dated 08/08/2025)

ORDER

IN

CRL OP(MD) No.12005 of 2025

Date :08/08/2025

PR/08.08.2025 9P/7C

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