



CRL OP(MD).No.12591 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.12591 of 2025

and

CrI.M.P(MD)No.9998 of 2025

Suresh Kumar
S/o.Arumugam

...Petitioner/ Accused No.2

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
District Crime Branch II,
Pudukottai District.
(Crime No.11 of 2025)

...Respondent/ Complainant

For Petitioner : Mr.S.Mahendra Pathy
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.Side)

For Intervenor : Mr.K.K.Samy
Advocate

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER:- For Bail in Crime No.11 of 2025 on the file of the Respondent Police.

ORDER: This Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial



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custody on 10.06.2025 for the offences punishable under Section 318(2), 318(4), 336(2), 336(3), 340(2) and 49 of BNS, 2023, in Crime No.11 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.06.2025 when the defacto complainant one Ramanathan purchased and five other person purchased the property in Survey No.223/B2, 223/2A1, 223/3 situates at Pudukkottai from Vishvanathan as his power of attorney for one V.Gnanasekaran in the year 2014 and they are in the peaceful possession and enjoyment on the above said property. In the meantime, the defacto complainant came to know that their encumbrance in the above said property, after verification of the revenue record, Accused No.1 and the petitioner gave a release deed in favour of Accused No.4 and thereby cheated the defacto complainant. Hence, the case has been registered.

3. The learned counsel for the petitioner would submit that the defacto complainant filed to cancel the revenue records before the Revenue Divisional Officer, Pudhukottai and the same was allowed. After that, Accused No.1 filed the Writ Petition before this Court in W.P(MD)No.18052 of 2025 and obtained an interim stay. Further, the defacto complainant filed a suit before the Principal District Court, Pudhukottai in O.S.No.62 of 2025 for a declaration and the same is pending. He would further submit that the petitioner has filed a bail application before the



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Principal District and Sessions Judge, Pudukottai in Crl.M.P.No.1979 of 2025 and the same was dismissed on 19.07.2025. Now the patta was changed in the name of the defacto complainant and his family members as 4255 and the petitioner is in judicial custody for the past 51 days. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submits that there are totally nine accused in this case and the petitioner is arrayed as Accused No.2. The property belongs to the defacto complainant and his family members. The petitioner and other accused persons forged and fabricated the document No.1349/1974 dated 09.09.1974 as if the defacto complainant, along with five members, executed the sale deed to the father of Accused Nos.1 to 4, namely Arumugam. By using the said Arumugam's death certificate and the legal certificate, the accused persons obtained a forged patta with the help of Accused No.7 (Tahsildar) and Accused No.9 (Village Administrative Officer). He would further submit that the other accused persons have filed anticipatory bail applications before this Court and the same have also been pending. Hence, he objected to grant bail to the petitioner.

5.The learned counsel for the defacto complainant/intervenor submits that the subject property, situated in Pudukkottai, was legally purchased by one Mr.Gnanasekaran in 1985 from Rahamadullah and others. The sale was duly registered as Document No.495/1985 in the Pudukkottai Sub Registrar's Office. The



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subsequent transfers of ownership, including the power deed executed in favour of Mr.Viswanathan (Document No.1070/2013), were lawfully recorded. He would further submit that the petitioner and other lawful owners acquired the property through valid sale deeds, duly registered before the Joint Sub Registrar, Pudukkottai. However, the accused persons fraudulently fabricated and forged documents in collusion with Revenue Officials to unlawfully claim ownership of the property, culminating in a deceptive transaction favouring one Mr.Arumugam, who has since passed away. His successors, the accused herein, have further manipulated records and executed illegal transfer deeds, the alleged release deed, thereby continuing the fraudulent scheme. He would further submit that if the petitioner released on bail, he would seriously hinder the investigation process and opposed to grant bail to the petitioner.

6. Taking into consideration of the facts and circumstances of the case and also considering the fact that the petitioner was arrested on 10.06.2025 and he is in judicial custody for the past 51 days, by this time material part of the investigation might have been completed and taking into consideration of the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two



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sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II Court,

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Pudukottai, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

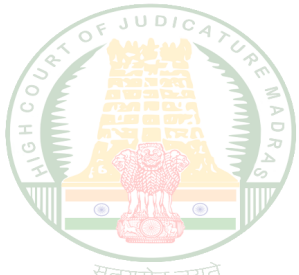
[b] The petitioner shall furnish his residential address and contact number to the Judicial Magistrate No.II Court, Pudukottai. If the petitioner changes his residential address, he shall report the same to the Judicial Magistrate No.II Court, Pudukottai;

[c] the petitioner shall appear and sign before the respondent police, daily twice i.e. at 10.00 a.m. and 5.00 p.m. until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



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[g] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 BNS. Consequently, the connected Miscellaneous Petition is closed.

sd/-

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31/07/2025

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

vsd
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, PUDUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL DISTRICT PRISON, PUDUKOTTAI.
- 4 THE INSPECTOR OF POLICE,
DISTRICT CRIMBE BRANCH II, PUDUKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.12591 of 2025

Date :30/07/2025

NBF/SAR- /31/07/2025/ 6P/6C

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