



CRL.OP (MD) No.20011 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED:15.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.20011 of 2024

Nalla Mohamed

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
CCB Police Station,
Madurai City.
(Crime No.21 of 2024)

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS praying for grant of anticipatory bail petition in connection with the Crime No.21 of 2024 on the file of the respondent-police.

For Petitioner : Mr.M.Ajmal Khan,
Senior Advocate
for Mr.K.Althaf Sheriff,
Advocate
for M/s.Ajmal Associates

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner on 15.11.2024 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 offences punishable under Sections 419, 420, 465, 467, 468, 471, 474 and 120B of IPC, in Crime No.21 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the title holder of the property situated in Plot No.267, Survey No.212/3, Sri Meenakshi Amman Nagar, Siruthur Village, Thiruppalai, Madurai, and had been in possession thereof until 12.01.1988. Upon verifying the encumbrance certificate recently, the defacto complainant came to know that the said property had been fraudulently sold to the petitioner (A1) on 26.03.2021. The sale was executed by using a non-traceable certificate obtained from the police, falsely stating that the original document was missing, along with fake identity cards. Subsequently, the petitioner (A1) sold the property to Ganeshpandian (A5) on 01.06.2022. Accused Nos.2, 3, 6, and 7 signed as witnesses to the sale deeds; Accused Nos.4 and 8 acted as document writers; and Accused No.9 impersonated the defacto complainant. Accused No.10, Sub-Registrar at Chockikulam, facilitated the registration of the fraudulent transaction. All the



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accused conspired together for wrongful gain and thereby defrauded the defacto complainant. Hence, the case.

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4. Mr.M.Ajmal Khan, the learned Senior Counsel appearing for Mr.K.Althaf Sheriff, the learned counsel for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner is the bonafide purchaser. Moreover, the alleged sale deeds were cancelled by the District Registrar vide proceedings dated 03.07.2024. He further submits that the petitioner has no previous criminal antecedents and has appeared before the respondent-police nearly 60 times. Therefore, custodial interrogation of the petitioner may not be necessary for the purpose of investigation. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A1. He further submits that in this case A1 to A4 and A11 have been conspired together and created fake documents. He further submits that A1 to A3 did not co-operate with investigation. He further submits that custodial interrogation of the petitioner is necessary to identify A9. He further submits that in the sale deed dated 26.03.2021, it is stated that a sum of Rs.5,65,000/- was paid by the petitioner (A1) to A9 through cheque. The said cheque prima facie establishes



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the petitioner's involvement in the crime. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will cause threat to the witnesses and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. On perusal of records, it is seen that in the sale deed dated 26.03.2021, it is stated that a sum of Rs.5,65,000/- was paid by the petitioner (A1) to A9 through cheque. The said cheque prima facie establishes the petitioner's involvement in the crime. Considering the gravity of the offence, the relationship between the accused persons and the overall circumstances of the case, this Court is of the considered opinion that custodial interrogation of the petitioner (A1) is necessary to unearth the truth. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. In the result, this Criminal Original Petition is dismissed.

sd/-
15/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1.The Inspector of Police,
CCB Police Station,
Madurai City.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-4271[I] dated
16/04/2025)

ORDER
IN
CRL OP(MD) No.20011 of 2024
Date :15/04/2025

MK/SAR /23.04.2025 5P/4C

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