



CRL.OP (MD) No.22558 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.22558 of 2024

S.Shajahan

... Petitioner / Accused No.3

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 pre-arrest bail in connection with Crime No.21 of 2024 on the file of the respondent-police.

For Petitioner : Mr.C.M.Arumugam,
Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner on 17.12.2024 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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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 Indian Penal Code, 1860, 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 one Nalla Mohamed (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, 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 accused conspired together for wrongful gain and thereby defrauded the defacto complainant. Hence, the case.

4. Mr.C.M.Arumugam, learned counsel for the petitioner, submits that the



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petitioner has not committed any offence as alleged by the prosecution. He submits that the petitioner is only an attesting witness to the sale deed in Document No.2313 of 2021 dated 26.03.2021, which was registered in favour of his own brother, Nallamohamed (A1). The property in question was purchased by A1 from an impersonator (A9). The disputed transaction was originally introduced by A2, Maideen, who acted as a mediator, and the sale consideration was settled by A1 and A2. He further submits that the petitioner had no role in the negotiation or preparation of the disputed sale deed. He stood as a witness only because the purchaser is his own brother. Hence, custodial interrogation of the petitioner may not be required for the investigation agency. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A3. 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, A2 and A3 (petitioner) did not co-operate with investigation. He further submits that custodial interrogation of the petitioner is necessary to unearth the truth. 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 A1 to A9 through cheque. The said cheque prima facie establishes the



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accused persons 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. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has 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 A1 to A9 through cheque. The said cheque prima facie establishes the accused persons' 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 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.C.M.ARUMUGAM, Advocate (SR-4289[I] dated 16/04/2025)

ORDER

IN

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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