



CRL OP(MD). No.22189 of 2024

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

Date : 20/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1.Jafar Ali

2. Jaheer Hussain

... Petitioners/ Accused Nos.3 and 7

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,CCB
Unit-III, Madurai Ps,
Madurai District.
(In Crime No. 48 of 2024).

... Respondent/Complainant

For Petitioner : Mr.SMA.Jinnah, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

For Intervener : Mr.R.Sivakumar,
Standing Counsel for TNHB

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 48 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners / Accused Nos.3 & 7, who were arrested and remanded to judicial custody on 15.11.2024 for the offences under Sections 465, 467, 468, 471 and 120(B) of IPC in Crime No.48 of 2024, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that A7, A10 and A11 in connivance with A8 and A9 created allotment orders as if the lands belonging to the Housing Board have been allotted in favour of A1 to A4 and A12. While undertaking this exercise, all the documents are said to have been forged up to the allotment order. Based on the forged allotment orders, sale deeds were executed in favour of A1 to A4 and A12 on various dates. The four allotment orders were dated 12.09.1997 and the fifth allotment order is dated 17.09.2007. A sale deed was executed in favour of A1 on 11.10.2023, in favour of A2 on 20.09.2023, in favour of A3 on 26.10.2023, in favour of A4 on 08.02.2024 and in favour of A12 on 28.03.2023. All the sale deeds have been registered before the Sub Registrar Office, Vilangudi. Thereafter, A1 sold the property in favour of A5 by sale deed dated 03.11.2023 and A2 sold the property in favour of A6 by sale deed dated 20.10.2023. Thus, the property belonging to the Housing Board has been knocked off by the accused persons and according to the prosecution, presently sixteen accused persons have been identified and the petitioners have been arrayed as A3 and A7.



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3. The learned Additional Public Prosecutor appearing for the respondent Police submitted that it was a well planned act on the part of Accused Nos.7, 10 and 11 in connivance with Accused Nos.8 and 9 in creating the forged allotment orders. He further submitted that Accused No.7 was taken on police custody and it came to light that the Head Clerk, viz., Dhamu is actively involved in this case apart from another broker Lakshmikanthan. In view of the same, an alteration report was filed and Accused Nos.15 and 16 were added as accused. He further submitted that effective steps are being taken to arrest Accused Nos.9, 15 and 16 in this case. It was further submitted that insofar as the sale deed executed in favour of Accused Nos.3, Accused No.7 is the brother-in-law of Accused No.3 and that the sale deed in the name of Accused No.3 was clearly the handle work of Accused No.7. He concluded his arguments by submitting that the investigation is at a crucial stage and therefore, he vehemently opposed the grant of bail to the petitioners.

4. The learned counsel appearing for the petitioners submitted that the petitioners are suffering incarceration from 15.11.2024 and that they will abide by any conditions imposed by this Court, if they are enlarged on bail.

5. The learned counsel appearing for the Tamil Nadu Housing Board submitted that the property belonging to the Housing Board has been dealt with by the accused persons by creating forged and fabricated documents. He further



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submitted that Accused No.9 and newly added accused persons 15 and 16 are yet to be secured in this case and they have played a vital role in creating forged and fabricated documents. In view of the same, the learned counsel also vehemently opposed the grant of bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioners have suffered incarceration from 15.11.2024 and keeping the petitioners inside the jail will not in any way help the respondent Police in making progress in the investigation, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during



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investigation or trial.

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[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
20/01/2025

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20/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Judicial Magistrate No.I,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.



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3.The Inspector of Police,
CCB Unit-III, Madurai PS,
Madurai District.

4.The Superintendent,
Central Prison, Madurai.

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

ORDER
IN
CRL OP(MD) No.22189 of 2024
Date :20/01/2025

ED/ /SAR- (20/01/2025) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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