



CRL OP(MD). No.22915 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Muniyandi

... Petitioner/ Accused No.4

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
City Crime Branch Police Station,
Madurai City.
(Crime No. 48/2024.)

... Respondent/ Complainant

For Petitioner : Mr.S.Arokia Selva Ramesh, Advocate

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

For Intervenor : Mr.R.Siva Kumar

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 petitioner/A4, who was 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, seeks 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 fourteen accused persons have been identified and the petitioner has been arrayed as A4.



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3. The learned Additional Public Prosecutor appearing for the respondent police submitted that it was a planned and concerted act on the part of A7, A10 and A11 in connivance with A8 and A9 in creating the forged allotment orders. He further submitted that insofar as the sale deed executed in favour of A3, A7 is the brother-in-law of A3 and the very sale deed in the name of A3 was the handle work of A7. It was further submitted that insofar as the staff belonging to the Housing Board, A8 and A9 have been identified and A8 alone has been arrested and A9 is absconding. He further submitted that steps are also being taken to take police custody of some of the accused persons in this case in order to gather further materials. He submitted that in view of the provisions of the new procedure code, the police is entitled to take custody during the entire period of 90 days when the accused persons are in judicial custody since the offence involved in this case is punishable with life imprisonment. Therefore, he vehemently opposed the grant of bail to the petitioner since the investigation is pending.

4. The learned Counsel appearing for the petitioner submitted that the petitioner had nothing to do with the alleged offence and he was not even aware that such forged allotment orders were prepared by the other accused persons. He submitted that the sale deed was executed in the name of A4 on 08.02.2024 and A4 had purchased the property without knowing the background of this case. He



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further submitted that A4 has suffered incarceration from 15.11.2024.

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5.The learned Counsel 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 submitted that the Housing Board is in the process of recovering the property and in the mean time, suits have been filed seeking for the relief of permanent injunction. He submitted that there is involvement on the part of some of the officials of the Housing Board and only with their connivance, the other accused persons have managed to create forged allotment orders and the property has been dealt with by executing sale deeds. In view of the same, he vehemently opposed the grant of bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case and considering the seriousness of the allegation made against the accused persons and considering the fact that the property belonging to the Housing Board has been attempted to be knocked off by the accused persons and the investigation is pending and considering the fact that this petitioner has already suffered incarceration from 15.11.2024 and he claims to be a bonafide purchaser without knowing the background of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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7. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond 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 2023.

sd/-

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06/01/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

To

- 1.The Judicial Magistrate No.I,
Madurai.
- 2.Do through the Chief Judicial Magistrate,
Madurai District.
- 3.The Inspector of Police,
City Crime Branch Police Station,
Madurai City.
- 4.The Superintendent,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

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