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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON 02.11.2026

PRONOUNCED ON:04.11.2026

CORAM

THE HON'BLE MR. JUSTICE K.MURALI SHANKAR

CRL OP(MD) No. 20569 of 2026
and
Crl.O.P.(MD)Nos.23586 of 2026
CNR:{HCMD011307582026}

Crl.O.P.(MD)No.20569 of 2026:

Arunachalam

..Petitioner(s)/Accused No.1

Vs

State Of Tamil Nadu,
Rep By The Inspector Of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.
(Crime No.3 of 2026)

..Respondent(s)/Complainant

PRAYER: This Petition filed under section Bail C-24. For Bail in Crime No.3 of 2026 on the file of the Respondent Police.

For Petitioner(s)	:Ms. R.Durga Devi Advocate
For Respondent(s)	:Mr.T.Lenin Kumar Additional Public Prosecutor
For Intervenor	: Mr.V.Kannan Advocate

Crl.O.P.(MD)No.23586 of 2026:

1. Pachaiyappan

2. Manganathan

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3. Vellaiyappan ..Petitioner(s)/Accused 2 to 4

Vs

State Of Tamil Nadu
Rep By The Inspector Of Police,
District Crime Branch Police Station,
Sivagangai.
Crime No. 3/2026.

..Respondent(s)/Complainant

PRAYER: This Petition filed under section Anticipatory Bail C-24AB. For Anticipatory Bail in Crime No. 3 of 2026 on the file of the respondent police.

For Petitioner(s) :Mr. P.Aju Tagore
Advocate

For Respondent(s) :Mr.T.Lenin Kumar
Additional Public Prosecutor

For Intervenor : Mr.V.Kannan
Advocate

COMMON ORDER

The petitioner in Crl.O.P.(MD)No.20569 of 2026/Accused 1, who were arrested and remanded to judicial custody on 20.08.2026 for the offences punishable under Sections 420, 465, 468, 471 and 120(b) I.P.C., in Cr.No.3 of 2026 on the file of the respondent police, seeks bail.

2. The petitioners in Crl.O.P.(MD)No.23586 of 2026 /Accused No.2 to 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468, 471 and 120(b) I.P.C.,

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(corresponding BNS offences sections 318(4), 336, 336(3), 340(2) & 61(2)) in Cr.No.3 of 2026 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the defacto complainant is the owner of the land measuring about 0.33.00 Ares in Survey No.176/4B, at Maruthampatti Village, Keelapoongudi Group, Madhagupatti Sub-Registration Division, Sivagangai Taluk, that the complainant's father Ramasamy, son of Krishnan was the original owner of the said land, that the revenue records were in the defacto complainant's father's name and had continued to remain till now, that after the death of the defacto complainant's father, the said land was not taken care and the same remained unattended to, that the defacto complainant had visited the said land in May 2024 to arrange for cleaning it, that the second accused obstructed her and started abusing her using offensive language, that the complainant after verification of the Encumbrance Certificates, came to know that the first accused had illegally and fraudulently executed a sale deed dated 23.06.2011 in favour of the second accused – Pachiyappan in respect of the land in dispute, that the complainant lodged a complaint before the Deputy Superintendent of Police, District Crime Branch, Sivagangai, but since there was no response, she was constrained to file a

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petition in Crl.M.P.No.4736 of 2024, before the learned Judicial Magistrate No.II, Sivagangai under Section 175(3) BNSS and that in pursuance of the order passed by the learned Judicial Magistrate, dated 08.07.2025, the present F.I.R., came to be registered.

4. When the bail petition of the first accused was taken up earlier, as per the undertaking given by the petitioner that he will cancel the sale deed now in dispute and taking note of the submission of the intervenor's side that the first accused may be granted interim bail and he may be directed to cancel the document as per his undertaking, this Court has granted interim bail on 22.09.2026 and posted the matter to 08.10.2026 for reporting compliance.

5. When the matter was taken up again on 08.10.2026, a new Counsel entered into appearance for the first accused and represented that the undertaking affidavit was taken from the first accused in the jail, without disclosing the contents and that the first accused is not willing to give any such undertaking and is not ready to cancel the sale deed and that this Court, considering the above, has cancelled the interim bail already granted and directed the first accused to surrender before the

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Superintendent of Prison, Madurai. In pursuance of the said direction, the first accused surrendered before the jail authority on 08.10.2026.

6. Heard the learned Counsel for the first accused, the learned Counsel for the accused 2 to 4, the learned Counsel for the defacto complainant and the learned Additional Public Prosecutor appearinjg for the respondent police.

7. The learned Counsel appearing for the first accused would submit that the entire property in dispute is not owned by the complainant's father, that the defacto complainant has not produced any documents to show that his father was owning the said land, except the patta issued subsequently, that the first accused was granted interim bail by this Court and subsequently, in pursuance of the directions of this Court, he surrendered before the jail authority, that the petitioner has been in judicial custody for more than 2 months, that since the dispute is based on the documentary evidence, his continuous incarceration is not necessary and that therefore, he may be enlarged on bail.

8. The learned Counsel for the accused 2 to 4 would submit that the second accused is the bonafide purchaser for valuable consideration from

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the first accused, that the accused 3 and 4 are only the attesting witnesses to the sale deed executed by the first accused in favour of the second accused, that the complainant's father is not the owner of the property in dispute and that the complainant, taking advantage of the name similarity, has claimed that the property situated in Survey No.176/4 was owned by her father and subsequently by her.

9. The learned Counsel for the accused 2 to 4 has produced a copy of the SLR and as rightly pointed out by him, the property in S.NO.176/4 stands in the name of one V.Ramasamy Chettiar and the property in Survey NO.178/3 (not the disputed property) stands in the joint names of both Ramasamy Chettiars 1. V.Ramasamy Chettiar 2. K.Ramasamy Chettiar that the said K.Ramasamy Chettiar is none other than the father of the defacto complainant and she was not related to V.Ramasamy Chettiar, who is shown to be the owner of the property in Survey No.176/4 and that the defacto complainant, taking advantage of the patta, has claimed the property in dispute fraudulently.

10. The learned Counsel for the defacto complainant would submit that her father was owning the property in dispute for several years, that her father had continued to cultivate the said land until his death, that the

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revenue records were still in the name of her father Ramasamy, that the first accused, taking advantage of the name similarity, had illegally and fraudulently created a sale deed in the year 2011 and on that basis, the accused 1 and 2 have been claiming title to the property in dispute.

11. The learned Counsel for the defacto complainant would submit that the learned Magistrate, in the order passed in Crl.M.P.No.4736 of 2024, has specifically observed that the records would only reveal that the complainant's father was the original owner of the property and after his demise, the complainant derived the title to the property, that the revenue records and patta stand in the name of the complainant's father Ramasamy, that the first accused had no title to the property, that the recitals of the impugned sale deed was contrary to the stand of the first accused and that the records show that the first accused had committed forgery, misrepresentation in collusion with the other accused and executed the above said sale deed without any valid right.

12. It is pertinent to note that the aforesaid observations were made by the learned Magistrate only for the purpose of ascertaining whether a prima facie case had been made out warranting investigation. As such, the said observations cannot be treated as conclusive findings regarding

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the title to the property or the alleged acts of forgery and misrepresentation. Moreover, while considering a petition filed under Section 173(4) read with Section 175(3) of BNSS, the learned Magistrate is not required to adjudicate upon the rival claims of title or record definitive findings regarding the commission of the alleged offences. Even otherwise, the observations made in such proceedings are necessarily tentative in nature and cannot be relied upon as conclusive proof of the allegations against the accused.

13. As already pointed out, the de facto complainant has been claiming title to the property comprised in Survey No.176/4-B. However, the Survey Land Register (SLR) produced by the accused shows that Survey No.176/4 stands in the name of V.Ramasamy and not in the name of Ramasamy, son of Krishnan, whereas Survey No.178/3 stands in the names of V.Ramasamy and K.Ramasamy. It is not the case of the de facto complainant that his father had subsequently acquired the property in dispute from V.Ramasamy or his legal heirs.

14. As rightly contended by the learned Counsel for the petitioners, considering the rival claims with regard to the title to the property in dispute, also the fact that the dispute is mainly based on the documentary

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evidence, this Court is of the view that the custodial interrogation of the accused 2 to 4 is not necessary. As already pointed out, even according to the accused 2 to 4, the second accused had purchased the property in dispute from the first accused and claims to be a bonafide purchaser whereas the accused 3 and 4 are stated to be only the attesting witnesses to the sale deed in question.

15. Considering the above facts and circumstances, taking note of the rival claims with regard to the title of the property in dispute, the incarceration period of the first accused, the nature of the charges levelled against the accused 2 to 4 and that the accused are not having any bad antecedents, this Court is inclined to grant bail to the first accused and anticipatory bail to the accused 2 to 4.

16. Accordingly, the petitioner in Crl.O.P.(MD)No.20569 of 2026/Accused No.1 is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai;

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may

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obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation.;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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];***

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS, 2023.

17. The petitioners in Crl.O.P.(MD)No.23586 of 2026 /Accused No.2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II,Sivagangai, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/-(Rupees Twenty Five Thousand only)** each

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with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

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

[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 BNS, 2023.

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To

1.The Judicial Magistrate No.II, Sivagangai.

2. The Superintendent of Prison,
Central Prison, Madurai.

3. The Inspector Of Police
District Crime Branch
Sivagangai,Sivagangai District.

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

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K.MURALI SHANKAR, J.
SSL

PRE-DELIVERY ORDER MADE IN
CRL OP(MD) No. 20569 of 2026
and Crl.O.P.(MD)Nos.23586 of 2026

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