

IN THE COURT OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT TIRUVALLUR

Present: Tmt. C. UMAMAHESHWARI, M.L.,
Principal District and Sessions Judge, Tiruvallur (i/c)

Monday, the 16th day of March , 2026

CrI.M.P.No:881/2026

Balaji, S/o Nagarajan

...Petitioner/Accused

//Versus//

State Rep. by the Inspector of Police,
Kanakammachatram Police station
(Crime No: 36/2026)

.....Respondent/Complainant

Petition dated: 02.03.2026 u/s 483 of BNSS praying to enlarge the petitioner on bail

This petition coming on this day for hearing before me having the petition filed by the petitioners Counsel M/s M. Thamilselvan, D. Ranesh, D. Ranesh, K. Prasathkumar, D. Jagadeesan, M. Ramadoss, the respondent police through the Public Prosecutor, and M/s J. Ganesh, advocate for the intervener/defacto complainant and upon hearing the arguments of both sides, perusing the reply of the Public Prosecutor for the State/Respondent and perusing the records and material and hearing both sides, this court made the following:-

ORDER

Heard arguments of both side. Records perused. Petition filed u/s 483 of BNSS seeking to release the petitioner who was remanded on 21.02.2026 in Crime No. 36/2026 on the file of Kanakammachatram police station registered for the offence u/s 318(4), 336(2), 336(3), 340(2) of BNS . The bail petition u/s 480 of BNSS was dismissed by the Judicial Magistrate, Tiruttani in CMP No304/2026 dated 25.02.2026.

The learned counsel for the petitioner argued that, petitioner is innocent, he has been falsely implicated only due to civil dispute. The subject properties originally belongs to I.V. Singaram, S/o Govindaswamy purchased property by way of sale deed under Document No.69, 70, 71, 72, 73, 75, 76, 77/1995. He sold 6 acres 2 cents to Manokaran, S/o Thushyantha Naidu vide Doc.No.190/2006, Manokaran gave power of attorney to the above property of 6 acres to the petitioner vide Document No.3425/2007 who sold 4 acres 79 to Esupatham under sale deed under Doc.No.1059/2008. The said Manokaran sold 3 acres 3 cents to Surenthar So Manohar vide Doc.No.2344/2008, and another 2 acres 99 cents to Dimble vide doc.No.2345/2008 and 6 acres 2 cents to Rameshkumar S/o Rajendran under unregistered sale agreement. The said Rameshkumar filed OS.31/2008 before Principal District Court, Tiruvallur and obtained exparte decree dt.07.08.2008. He also filed EP.60/2009 before this Court and obtained registration in his name under Doc.No.6877/2011 through exparte decree dt. 07.08.2008, property 6 acres 2 cents the petitioner is the 1st person got power of attorney from Manokaran and all other transactions are forged transactions. The petitioner is innocent, the arrest was made without the service of 41-A Cr.P.C. /35(3) of BNS Notice, hence the arrest itself is illegal as per the guidelines of the Hon'ble Apex Court reported in **2025 INS 909 (Satendar Kumar Antil Vs. CBI)**. Moreover, even the respondent police closed the FIR as it was civil dispute . However, the defacto complainant approached the Court concerned and misrepresented about the jurisdiction even though it has to be dealt with only by the District Crime Branch, Tiruvallur, FIR has been registered only based on the Court direction. All the mischief was played by one Rameshkumar, suppressing everything, the defacto complainant filed private complaint and took directions from the Court by misrepresentation n , the petitioner is in judicial custody for 24 days and he is ready to cooperate for enquiry, hence prayed to grant bail.

Notice given to concerned police and reply received. The learned Public prosecutor argued that the defacto complainant lodged the complaint and FIR was registered based on the directions of the Judicial Magistrate Tiruttani in CMP No.2680/2025 dt. 08.01.2026, wherein the defacto complainant lodged the complaint stating that he was appointed as power agent of the Principal A.O. Ommen, in respect of the lands in S.No.197/3 and 197/2B, of 25 cents by way of sale deed dt. 29.07.1997 under Doc.No.1610/1997 and he was in UAE and now residing in the said address. While so on 10.04.2025, when the defacto complainant went to change patta in the name of the principal found that all the accused colluded and fabricated documents to deceive the property of the defacto complainant as if the property belonged to Samivel, Kollapuri, Narasingam, Rathinam, Desan, Anandaraj, who had executed power deed in favour of T.V. Singam, who had executed a sale deed dt. 06.02.2006 under doc.No.190/2006, suppressing the sale made to the defacto complainant's principal even in the year 1997, on the strength of the fabricated power deed, the said Singam executed a sale deed dated 06.02.2006 in favour of G. Manoharan, who had executed a sale agreement in favour of one Ravi on 23.02.2006 and with Esupatham and petitioner on 20.02.2008, thereby the petitioner herein as power agent of Manoharan and executed sale deed in favour of one Dimple on 06.03.2008. Further, Manoharan entered into a sale agreement with one Rameshkumar, for which the said Rameshkumar filed OS.31/2008 before this Court and intentionally obtained exparte decree by suppressing the real facts, and also cheated the Court and based on which executed sale deed dt. 6877/2011 dated 27.12.2011, thereby the accused Rameshkumar cheated even the court, thus, all the accused including the petitioner have colluded each other and deceived the property of defacto complainant which was sold even in the year 1997, thus, based on the complaint, FIR was registered u/s 318(4), 336(2), 336(3), 340(2) of BNS, the petitioner was arrested on 21.02.2026 and the investigation is pending, other accused are still absconding, and the investigation is pending.

The learned counsel for the intervener submitted that the accused Singam fraudulently suppressing the earlier sale in favour of the defacto complainant's principal, executed a sale deed dt. 06.02.2006 in favour of Manoharan and Manoharan in collusion with Rameshkumar with the intention to grab the properties of the defacto complainant executed sale deed in favour of the accused and even obtained exparte decree from this Court. Since no action was taken by the respondent police, he approached the Court and based on the directions of the Court in CMP No.3680/2025 dt.08.01.2025. Even the Orders of the Judicial Magistrate, Tiruttani has clearly elucidates the prima facie case as against the accused persons which are cognizable offences. Moreover, only one accused has been secured and all other accused are still absconding. Even though this Court referred the matter in respect of anticipatory bail filed by the co-accused to mediation, none of the accused appeared and cooperated, documents are yet to be seized and out of 7 accused except the petitioner all other accused are abscond, the investigation is pending in its nascent stage, hence, if the petitioner is released, he would abscond and tamper the witnesses, hence prayed to dismiss the petition.

The petitioner states in this petition that there is no similar bail petition is pending before any other Court including Hon'ble High Court, Madras and the respondent has also not stated as to pending of any bail petition before Hon'ble High Court, Madras in this case. Hence, this Court considers that there is no impediment to entertain this petition and pass orders on merits.

As far as the contention of the learned petitioner's counsel that arrest of the petitioner without service of Notice u/s 35(3) of BNSS is illegal, as per the reply of the learned Public Prosecutor, the petitioner has not cooperated for the enquiry and also, as per the reply of the learned Public Prosecutor, investigation is still pending and the alleged offence is serious in nature.

Therefore, on considering

- (i) grave nature of offence
- (ii) investigation is still pending
- (iii) serious accusation of offence as against the petitioner u/s 340(2) BNS
- (iv) huge value of the property allegedly involved in this case,
- (v) and also considering other facts and circumstances,

this Court is not inclined to grant bail to the petitioner.

In the result, this petition is dismissed.

Dictated to the Shorthand Writer and Pronounced by me in Open Court on this 16th day of March, 2026

Sd./- C. Umamaheshwari
Principal District and Sessions Judge,
Tiruvallur(i/c)

//t.c.f.b.o.//

Sherishtadar

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The Petitioner's Advocate M/s M. Thamilselvan
Thiru. S.Murthy, Public Prosecutor for the State
The Judicial Magistrate Tiruttani
The Inspector of police, Kanakammachatram police Station
The Superintendent, Central Prison-II, Puzhal, Chennai
The Intervener's Advocate M./s J. Ganesh,