

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

Present: Dr. J. JULIET PUSHPA, Ph.D. (Law)

Principal District and Sessions Judge, Tiruvallur

Wednesday, the 11th day of March , 2026

CrI.M.P.No:905/2026

Abdul Asan Khudush, S/o Raja Hussain

...Petitioner/Accused

//Versus//

State Rep. by the Inspector of Police,
CCB., Avadi Police station
(Crime No: 24/2025)

.....Respondent/Complainant

Petition dated: 03.03.2026 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 N. Kannan, R. Sridhar, J. Freddy, S. Venkatesan, the respondent police through the Public Prosecutor, 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 06.02.2026 in Crime No. 24/2025 on the file of CCB, Avadi police station registered for the offence u/s 420, 465, 467, 468, 471 IPC. The Bail petition u/s 480 of BNSS was dismissed by the Judicial Magistrate No.I, Poonamallee in CMP No. 313/2026 dated 16.02.2026.

The learned counsel for the petitioner argued that, petitioner is innocent, he has been falsely implicated in this case. He is an unnamed accused and there is no averments as against the petitioner and there is no specific overtact as against him. The petitioner is a bonafide purchaser for valid sale consideration of a registered document under doc.No.15522/2021 dated 08.11.2021, and is enjoying the same by duly obtained patta in his name, whereas the defacto complainant purchased the land only on 31.08.2023 without due verification. The petitioner has already filed OS.224/2024 before the District Munsif Court, and the same is pending for issues. Since the property is falling adjacent to petitioner's property, the petitioner intended to purchase as the co-accused represented that the property belongs to Kuppu and after verification only, the petitioner purchased the property by paying due sale consideration and the petitioner himself is a victim and is undergoing incarceration without committing any offence. Even the petitioner obtained the information under RTI Act the surveyor report wherein the Surveyor has mentioned that the survey No.91/12 and 91/17 are in the same survey number on ground, hence, advised the petitioner to approach the civil forum. The entire dispute pertain the immovable property and registered documents. This case is purely civil in nature and the same are in the custody of the registration Department. Thus, no further custodial interrogation is necessary. There is absolutely no material to show that petitioner prepared or executed any forged document. There is no prima facie complaint against the petitioner, he is in custody for the past 33 days, petitioner is ready to cooperate for investigation and will abide by any condition, therefore prayed for granting the bail.

Notice given to concerned police and reply received. The learned Public prosecutor argued that on defacto complainant is the owner of the land in 1842 sq. ft. out of 3746 sq. ft in Thirumullaivoyal Village consisting S.No.456/1A1A1APT, 456/1A1B Pt, 457 Pt, having purchased the same under a sale deed under Doc.No.12263/2023 dated 31.08.2023 and obtained patta and fencing the same, while so on 14.06.2024, when he visited the property found that the fencing was removed and new fencing is made, and when the defacto complainant asked them to stop fencing, thereafter on verification found that the petitioner by way of forged patta on 14.11.2019 and by using that patta created a settlement deed under Doc.No.16504/2019 in favour of one Adhikesavan, who in turn created a settlement deed in favour of his sister which was registered under

Doc.No.17029/2019 by wrongly mentioning the address as “Roja Street” instead of Mullai Street, Vivekananda street, further, on the day itself, Kuppu had created a settlement deed in favour of his grandson Rajesh under Doc.No.170562019, thereafter on 25.03.2021, Rajesh had given power of attorney to Sasidharan under Doc.No.5333/2021 who subsequently cancelled the same and given power to one Edwin under on 29.09.2021 under Doc.No.13436/2021, and thereafter, the said Rajesh and Edwin jointly created sale deed dated 11.11.2021 in favour of the petitioner under DocNo.15522/2021, in all the documents registered from 2019 to 2021, the survey number and boundaries are wrongly mentioned, thus, with the intention to grab the property, the petitioner along with other accused have intentionally created Patta for S.No.91/5, while so, the patta of rht edefacto complainant is 91/17 subdivided from 91/10, thus, the petitioner having not connected with the defacto complainant’s land have encroached the property by creation of the above said forged documents, thus, based on the complaint, FIR was registered, and during the course of investigation on enquiry with the said Adhikesavan, it was found that by using the adhar card and PAN card of the said Aadhikesavan, by impersonating his signature executed the settlement in favour of impersonated person Adhikesvan , thus by creation of forged documents, all the accused deceived the property of the defacto complainant, the petitioner has already approached Hon’ble High Court, Madras for anticipatory bail which was dismissed in CrI.O.P.No.21549/2025, the petitioner was arrested on 07.02.2026, and the investigation is pending.

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 for as the contention of the learned counsel for petitioner that the purchase of petitioner is much prior to the purchase made by the defacto complainant is concerned, the prosecution alleges that the purchase of petitioner was made by impersonation. Therefore, only the investigation will reveal the same, which is in the nascent stage. As per the reply of the learned Public Prosecutor, investigation is pending in preliminary stage and the alleged offence is serious in nature.

Therefore, on considering

- (i) grave nature of offence
 - (ii) investigation is pending
 - (iii) premature stage,
 - (iv) serious accusation of offence as against the petitioner u/s 468 BNS
 - (v) huge value of the property allegedly involved,
 - (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 11th day of March , 2026

**Principal District and Sessions Judge,
Tiruvallur**

Copy to

The Petitioner's Advocate M/s N. Kannan
Thiru. S.Murthy, Public Prosecutor for the State
The Judicial Magistrate No.I, Poonamallee
The Inspector of police, CCB Avadi police Station
The Superintendent, Central Prison-II, Puzhal, Chennai