



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8506 of 2023

1. Murugan,

2. Rajamuniyandi, ... Petitioners/Accused No.1 and 2

Vs

State Rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No. 35 of 2023.

... Respondent/Complainant

For Petitioner : M/s.R.Ponkarthikeyan, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

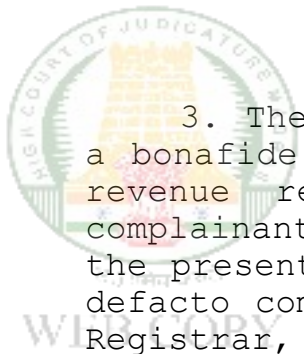
PRAYER :-

For Anticipatory Bail in Crime No.35 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 419, 420, 466, 468, 471 and 120B of IPC, in Crime No. 35 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the properties in Survey Nos.197 and 198 to an extent of 10.23 acres at Vellapottai vilalge, Watrap Taluk, Virudhunagar District. The defacto complainant came to know that the accused persons said to have created forged documents and by impersonating the defacto complainant and his wife, they have created sale deeds in document No.3686 of 2022, dated 18.11.2022, on the file of the Sub Registrar Office, Kunnur.



3. The case of the petitioners is that the first petitioner is a bonafide purchaser of the property. Only after verifying all the revenue records, he purchased the property from the defacto complainant. Due to dispute over the escalation in the sale price, the present F.I.R came to be registered with false allegations. The defacto complainant made a false representation before the District Registrar, Virudhunagar, to cancel the document No.3686 of 2022. Pursuant to the same, on 31.01.2023, the document stood in favour of the first petitioner was cancelled without enquiring the petitioners herein. Co-accused were already released on anticipatory bail.

4. On the side of the prosecution, it is stated that A1 was arrested on 03.04.2023. A2 impersonated the real owner of the property. A2 and A3 by impersonation transfer the property to their son. A2 and A3 were not the owner of the property. A3 is still absconding. A4 and A5 were the Subregistrar and the document writer and hence, prayed the petition to be dismissed.

5. Since the first petitioner/A1 was arrested, this petition is dismissed as infructuous insofar as the first petitioner/A1 is concerned. Considering the serious nature of the offence and considering the fact that the investigation is still pending, this Court is not inclined to release the petitioner on anticipatory bail. Hence, this Petition is dismissed.

sd/-
04/05/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8506 of 2023
Date :04/05/2023