



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1364 of 2015

M.S.RAHMATHULLA

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
(LAND-GRABBING CELL),
CANTONMENT POLICE STATION,
TRICHY CITY, TRICHY.
(CR.NO.10 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SANKAR Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

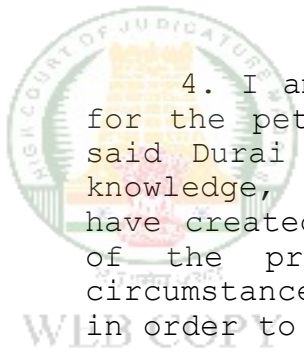
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 467, 468 and 471 IPC, in Crime No.10 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. A detailed counter affidavit has been filed objecting to the grant of Anticipatory Bail to the petitioner. It is seen from the counter that the *de facto* complainant and his wife purchased three plots in TVS Toll Gate area under two registered documents in their names. The property was purchased in the year 1983. The property tax assessment also stands in the name of the *de facto* complainant and his wife. The petitioner/accused appears to be a total stranger to the properties. While so, the petitioner/accused claims that he has purchased the said property from one Durairaj. Unfortunately, the said Durai Raj died on 31.08.2009. The petitioner/accused has created encumbrance on the property of the *de facto* complainant by registering sale deeds in respect of the property. The petitioner/accused has created the following forged documents.

- 1.Doc No.257/2002
- 2.Doc.No.1007/2004
- 3.Doc.No.3105/2005
- 4.Doc.No.2832/2009
- 5.Doc.No.403/1983
- 6.Doc.No.7902/83
- 7.Doc.No.313/84

3. The learned counsel appearing for the petitioner submits that the petitioner had purchased the property from the said Durai Raj and had sold it to one Raja with compound wall by way of registered sale deed, vide document No.257/2002.



4. I am unable to agree with the submissions of the learned counsel for the petitioner, inasmuch as the petitioner knew full well that the said Durai Raj had fabricated document No. 257 of 2002 and with full knowledge, he purchased the said property. Thereafter, all the accused have created a rectification deed of document No.3105 of 2005 in respect of the property belonging to the *de facto* complainant. In such circumstances, it appears that this petitioner was working in a syndicate in order to usurp the property of the *de facto* complainant.

5. The learned Government Advocate [Criminal Side] submits that the custodial interrogation of the petitioner is essential to recover all the fake documents, which are in his custody.

6. Taking into consideration of the serious allegations levelled against the petitioner, this Court is not inclined to grant Anticipatory Bail to him. Accordingly, this Criminal Original Petition for Anticipatory Bail stands dismissed.

sd/-
04/02/2015

/ TRUE COPY /

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

TO

- 1.THE INSPECTOR OF POLICE (LAND-GRABBING CELL),
CANTONMENT POLICE STATION,
TRICHY CITY, TRICHY.
- 2.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1364 of 2015
Date :04/02/2015

RG.10.02.2015 2P.3C.