



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen  
PRESENT

**The Hon`ble Mr Justice P.N.PRAKASH**

CRL OP (MD) Nos.14234 and 15200 of 2014

ILAYARAJA

... PETITIONER/ACCUED NO.3 IN  
CRL.OP (MD) NO.14234/2014

1.BALASUBRAMANIAN

2.ANTONY SELVAN

... PETITIONERS/ACCUSED NOS.4&5 IN  
CRL.OP (MD) NO.15200/2014

J.P.NARESH BABU

... INTERVENOR IN BOTH THE PETITIONS

Vs

THE STATE OF TAMIL NADU

REP BY ITS THE INSPECTOR OF POLICE

RADHAPURAM POLICE STATION, TIRUNELVELI DISTRICT.

CRIME NO. 159 OF 2014

... RESPONDENT / COMPLAINANT  
IN BOTH THE PETITIONS

For Petitioner : M/S.V.SASIKUMAR Advocate

For Respondent : M/S.C.RAMESH, Govt. Advocate ( Crl. Side)

For Intervenor : M/S.R.PONKARTHIKEYAN, Advocate  
in both the Petitions

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 471, 468 and 465 IPC in Crime No.159 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that the property in question belongs to one Perumal, S/o. Narayanan Nadar. A1 in this case is also one Perumal and incidentally, his father's name is also Narayanan Nadar. Taking advantage of this A1 (bogus Perumal) created a Power of Attorney in respect of the subject property in favour of A2. It is alleged that the petitioner in Crl.O.P.(MD) No.14234 of 2014 by name Ilayaraja has purchased the property from A2 Vijay on 06.03.2014 and the petitioners in Crl.O.P.(MD) No.15200 of 2014 stood as witnesses to the said bogus Power of Attorney.

4. The learned counsel appearing for the petitioner / Ilayaraja submitted that the petitioner is merely an innocent purchaser.



5. This case was extensively heard on 08.01.2015 and the matter was posted to 12.01.2015 under the caption "For Orders". On 12.01.2015, this Court passed the following order:

"On 08.01.2015, this Court has passed a detailed order.

Today, when the matter is taken up, the learned counsel for the petitioner would submit that the petitioner will cancel the sale deed document dated 06.03.2014. In which case, the petitioners are directed to file an affidavit before this Court preferably in Tamil.

Post 'for orders' on 21.01.2015."

6. Today, when the matter was taken up, learned counsel for the petitioners, instead of filing an affidavit as undertaken earlier, sought permission to withdraw these petitions. As these cases were part-heard and posted for orders, this Court declined the permission.

7. It is seen that Ilayaraja (A3) has purchased the property from Vijay (A2) on 06.03.2014 knowing full well that A1 had impersonated the original owner. Similarly, Balasubramanian (A4) Antony Selvan (A5), petitioners in Crl.O.P.(MD) No.15200 of 2014 stood as witnesses to the bogus sale deed. Hence, custodial interrogation of these petitioners are necessary.

8. Under such circumstances, in view of the serious nature of allegations against these petitioners, this Court is not inclined to grant anticipatory bail to these petitioners. Hence, Criminal Original Petitions are dismissed.

sd/-

27/01/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI.
  - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI.
  - 3.THE INSPECTOR OF POLICE  
RADHAPURAM POLICE STATION, TIRUNELVELI DISTRICT.
  - 4.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1 CC to M/S.R.PON KARTHIKEYAN, Advocate SR.No.3582  
RL/6 C- 30/1/2015

ORDER

IN

CRL OP (MD) Nos.14234 and  
15200 of 2014

Date :27/01/2015