



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

Monday, the Ninth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.761 of 2015

MANSANAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
PERIAYUR POLICE STATION, MADURAI DISTRICT.
CRIME NO.23 OF 2015

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.K.J.ASSOCIATES Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

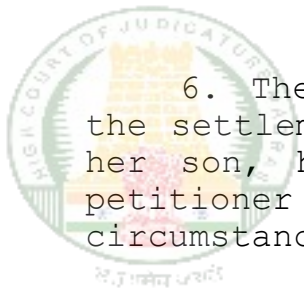
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b), 506(i) I.P.C. in Crime No.23 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

3. On 03.02.2015, this Court passed a detailed order. Today, this Court heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent. The respondent police is present and the defacto complainant is also present.

4. The defacto complainant produced a colour xerox copy of the settlement deed.

5. On a mere perusal, it is apparent that it has been so well fabricated and that an ordinary layman will not know the difference between the original and this document. The defacto complainant is a village peasant and she has been easily cheated by the petitioner.



6. The learned counsel for the petitioner submits that after the settlement was executed by the defacto complainant in favour of her son, her son by name, Sermakani had obtained loan from the petitioner by mortgaging the property and only in those circumstances, the original settlement deed is with the petitioner.

7. I am unable to buy this argument because even in the anticipatory bail application, it has not been stated on what date, the petitioner entered into a mortgage agreement with Sermakani.

8. The respondent Police is now directed to issue an order to the Sub-Registrar office, not to entertain any document with regard to the subject property pending investigation by the respondent police.

9. The respondent police have filed a detailed counter affidavit, in which they have stated in paragraph No.5 that the police have recorded the statement of one Saravanakumar, who was a driver of the petitioner. According to Saravanakumar, on instructions from Masanam, the petitioner herein, he had gone to Registrar's office and received the document from there and handed it over to Masanam. The police have also obtained a letter from the Sub-Registrar, Peraiyur informing that the document was received by Saravanakumar.

10. Taking into consideration the above facts and circumstances of the case, this Court is of the view that the custodial interrogation of the petitioner is essential, in order to recover the original settlement deed. Therefore, this Court is of the view that it is not a fit case to grant anticipatory bail to the petitioner.

11. Accordingly, this Criminal Original Petition is dismissed.

sd/-

09/02/2015

/ TRUE COPY /

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

TO

1. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE INSPECTOR OF POLICE
PERIAYUR POLICE STATION, MADURAI DISTRICT.

RL/3C - 12/2/2015

ORDER

IN

CRL OP (MD) No.761 of 2015

Date : 09/02/2015