



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

Tuesday, the Twelfth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22395 of 2015

1 SEKAR
2 PREMALATHA
3 VIJAYAN

..PETITIONERS/ACCUSED 1 to 3

Vs.

1 STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
(CRIME NO. 58 OF 2015)

..1st RESPONDENT/COMPLAINANT

2 KIREETHARAN

..2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioners : M/S.S.MUNIYANDI Advocate
For Respondents : MR.K.ANBARASAN,
Govt. Advocate (Crl. Side) FOR R1
MR.S.MUTHAL RAJ, Advocate for R2

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed accused nos. 1 to 3, in Crime No. 58 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 468, 471, 420 IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property in question and by impersonation, the second accused has sold the property to the third accused and all the accused colluded together and cheated the defacto complainant and on his complaint, the case has been registered for the aforesaid offences.

3.The case of the petitioners is that the property is the ancestral property of the second petitioner/A2 and he sold the property to the third accused and the third accused filed suit in O.S.NO.1002 of 2014 on the file of the Principal Sub Judge, Madurai. The defacto complainant is claiming right on the basis of a Will executed by his grand father. Now, one Rajalakshmi filed another suit in O.S.No.61 of 2014 for declaration declaring that the Will is null and void. Suppressing all these facts, the defacto complainant has given a false complaint. The petitioners are innocents and they have committed any offence.



4.The learned Government Advocate (Cr.side) submitted that without having any valid title, they sold the property belonging to defacto complainant.

5. The allegations against the petitioners is that the second petitioner impersonated the signature of the defacto complainant and sold the property belonging to the defacto complainant to the third petitioner and cheated the defacto complainant. The contentions of the petitioners that A3, after purchasing the property from A2, has filed a suit in O.S.No.1002 of 2014 against A2; that the defacto complainant is claiming right over the property on the basis of a Will; that one Rajalakshmi filed a suit in O.S.No.61 of 2014 for declaration declaring that the said Will is null and void; and that the defacto complainant, suppressing the pendency of civil suits, lodged a false complaint stating that the petitioners/A1 to A3 cheated the defacto complainant, do not advance their case.

6.Considering the serious allegation against the petitioners that they impersonated and sold the property, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
12/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

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

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.

Akm/04.02.2016/ 2p- 3c/jgb/dp/SAR-I

ORDER
IN
CRL OP (MD) No.22395 of 2015
Date :12/01/2016