



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

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12804 of 2016

MUNIYANDI

... PETITIONER / 2nd ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ANTI-LAND GRABBING SPECIAL WING,
MADURAI.
(IN CRIME NO. 88/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.SARAVANA PANDIYAN Advocate

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

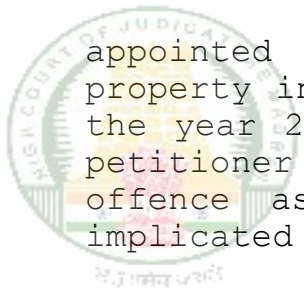
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 467, 468 and 471 IPC, in Crime No.88 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the property in question originally belongs to the husband of the de facto complainant and he purchased the same by the sale deed dated 20.11.1981 from one A.S.Angi Anuman, Son of Karuthan Servai, Avaniyapuram Village. A.1 without having any title over the property in question, executed a power of attorney dated 02.03.2007 vide document No.373/2007, appointing the petitioner/A.2 as his power agent to deal with the property in question by creating a forged document as if the husband of the de facto complainant sold the property in question to A.1. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is the power agent of A.1 and A.1 executed a power of attorney deed in the year 2007. A.1, who is the owner of the property in question, and husband of the de facto complainant were having business transactions with regard to real estate business in the year 1988 and by way of an unregistered sale deed, the husband of the de facto complainant sold the property in question to A.1, who in turn,



appointed the petitioner as his power agent to deal with the property in question and the de facto complainant gave complaint in the year 2015 for the occurrence tookplace in the year 2008. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) submitted that the husband of the de facto complainant is the owner of the property in question and without having any title over the same, both the petitioner and A.1 created forged documents as if the husband of the de facto complainant sold the property to A.1 and A.1 executed a power of attorney dated 02.03.2007 vide document No.373/2007, appointing the petitioner/A.2 as his power agent to deal with the property in question and the original documents are available only at the hands of the de facto complainant. Investigation is pending. If the petitioner is released on anticipatory bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the serious nature of allegation levelled against the petitioner and investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-

18/08/2016

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE, ANTI-LAND GRABBING SPECIAL WING,
MADURAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.12804 of 2016

Date :18/08/2016

SMA/CK/SAR-III/23/08/2016 :2P/3C