



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9161 of 2016

1 NARASIMAPALLAVAN
2 SIVAJOTHI
3 THENMOZHI
4 AMIRTHALAKSHMI
5 VASU

... PETITIONERS/ACCUSED No.1 to 5

Vs

1 STATE BY INSPECTOR OF POLICE,
SRIVILLIPUTHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 67 OF 2016

... RESPONDENT/COMPLAINANT

2 MR. MUTHUKUMAR

... 2nd RESPONDENT/DEFACTO
COMPLAINANT

FOR PETITIONER : M/S M.JEGADEESH PANDIAN, ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

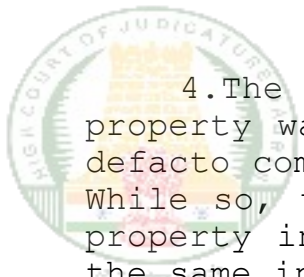
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468 and 420 of IPC, in Crime No.67 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioner after inheriting the property from one Thiruvali Nadar, sold the property in question on 08.02.1981 to the Perumalpatti Nadar Uravinmurai Sangam. Subsequently, the petitioners fabricated the document and mortgaged the property on 22.06.2006 and mortgaged with the Syndicate Bank and borrowed a sum of Rs.10,00,000/-. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioner's property was given to the villagers for certain purposes. But the villagers tried to use the property for illegal means.



4.The learned counsel for the intervenor submitted that the property was sold on 08.02.1981 to the defacto complainant and the defacto complainant was in possession and enjoyment of the property. While so, the petitioners fabricated the document and mortgaged the property in the year 2006 and the defacto complainant came to know the same in the year 2016 and demanded the petitioners to cancel the mortgage and the petitioners refused to cancel the mortgage and threatened them with dire consequences.

5.The learned Government Advocate(Crl.side) submitted that on complaint given by the defacto complainant, case has been registered and found that the petitioners fabricated the document and mortgaged the property with Syndicate Bank and borrowed a sum of Rs.10,00,000/-. Investigation is pending.

6.Considered the rival submission.

7.It is seen that the allegations against the petitioners is that after selling the property on 08.02.1981 to the defacto complainant, they created a forged document and mortgaged over the property in the year 2006. The first petitioner on behalf of the petitioners 2 to 5 created a forged document and mortgaged the property.

8.Considering these facts custodial interrogation of the petitioners is necessary, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
21/06/2016

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

TO

1. THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9161 of 2016
Date :21/06/2016