



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

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9349 of 2016

1 T.G.PRADEEPKUMAR

2 T.P.SAKILA

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

SOUTH GATE POLICE STATION,

MADURAI.

IN CR.NO.519/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S R.SEVUGARAJA Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

For Intervenor : Mr.C.GODWIN, Advocate

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 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406, 419, 465, 468, 471, 506(i) of IPC and Section 4 of Women Harassment Act, in Crime No.519 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property in question. The first petitioner fabricated the documents relating to the house of the defacto complainant and second petitioner signed as a witness to the document and they are in possession of the property from the year 2006. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the husband of the defacto complainant entered into a lease agreement with the first petitioner and handed over the possession of the property to the petitioner as tenant. The husband of the defacto complainant agreed to sell the property to the petitioners and entered into an agreement of sale. Before execution of sale deed, he died. Subsequently, the defacto complainant renewed the lease deed in the year 2010 and 2012. While so, after renewing the lease agreement, the defacto complainant along with his cousin tried to interfere with the possession of the petitioners. Therefore, the first petitioner has given a complaint against the defacto complainant to the respondent police. Instead of enquiring the complaint given by the petitioners, the respondent police falsely implicated the

petitioners, in this case. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned counsel for the intervenor reiterated the averments made in the complaint and submitted that the documents submitted by the petitioners and the defacto complainant were sent to the Forensic Department, Madurai, by the Assistant Commissioner of Police, Madurai for comparison of signatures. After comparison, it was found that the signatures of the husband of the defacto complainant and the attester were forged with an intention to grab the property of the defacto complainant and hence, the complaint given by the first petitioner was closed.

5.The learned Government Advocate (Crl.side) submitted that the signature of the husband of the defacto complainant was verified by the Deputy Director, Regional Forensic Science Laboratory, Madurai, who sent a report dated 20.05.2016, to the Assistant Commissioner of Police, Madurai, wherein it has been stated that the signature of the husband of the defacto complainant was forged. In the circumstances, if the petitioner is enlarged on bail, he will abscond and tamper the witness and hamper the investigation.

6.Considering the serious allegations and also considering the fact that the petitioners fabricated the documents and forged the signature of the husband of the defacto complainant, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-

22/06/2016

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

TO

1 THE INSPECTOR OF POLICE, SOUTH GATE POLICE STATION, MADURAI.

2 THE DEPUTY DIRECTOR, REGIONAL FORENSIC SCIENCE LABORATORY,
MADURAI.

3 THE ASSISTANT COMMISSIONER OF POLICE, MADURAI

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

+1. CC to M/S R.SEVUGARAJA Advocate SR.No.32099

ORDER IN

CRL OP(MD) No.9349 of 2016

Date :22/06/2016

PBK/GSV-PM/SAR-II 28/06/2016 ::2P-6C::