



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.9588 of 2016

1 GANESAN
2 GANTHIMATHI
3 BALAKRISHNAN
4 KANNAYIRAM

...PETITIONERS/ACCUSED 3 to 6

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO.31/2016

...RESPONDENT/COMPLAINANT

For Petitioner : M/S D.BALAMURUGAPANDI Advocate

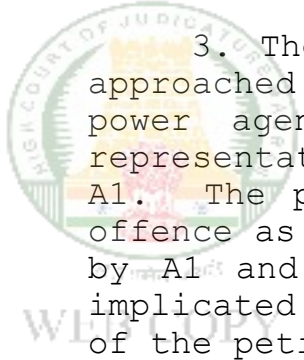
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.3 to 6, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471 and 420 of IPC in Crime No.31 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the grand father of the defacto complainant viz., Velayutham Chettiyar is the owner of the property in question and he died on 22.09.1956. The accused persons conspired together and impersonated the grand father of defacto complainant by creating forged document in the name of Velayutham Chettiyar and appointed A1 as his power agent to deal with the property in question and subsequently, A1 power agent sold the properties. The petitioners knowing fully well that Velayutham Chettiyar, original owner of the property, grand father of defacto complainant died long back purchased the property. On Complaint, a case has been registered against the petitioner.



3. The case of the petitioners is that one Senbagamuthu / A1 approached the petitioners for sale of the property in question as power agent of Velayutham Chettiyar / A2. Based on the said representation, the petitioners paid entire sale consideration to A1. The petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners were cheated by A1 and on his confession only their names have been falsely implicated in this case and prayed for anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Criminal side) submitted that knowing fully well that the original owner, grand father of defacto complainant died on 22.09.1956, the petitioners purchased the property through power agent and the investigation of the case is pending. He further submitted that if the petitioners are granted anticipatory bail they will abscond and tamper the witness and hamper the investigation and prayed for dismissal of this petition.

5. Considering the fact the petitioners in collusion with other accused persons purchased the property knowing fully well that the original owner of the property died on 1956 itself, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-

01/08/2016

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

TO

1 THE SUB INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL, POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S D.BALAMURUGAPANDI, Advocate SR.No.40944.

ORDER

IN

CRL OP(MD) No.9588 of 2016

Date :01/08/2016

AM/GSV.PM/SAR-I/05.08.2016/2P/4C