



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

Wednesday, the fourth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.11982 of 2017

1 RAMESH
2 CHELLADURAI
3 MURUGESAN

... PETITIONERS/ACCUSED 2to 4

Vs

STATE REP. BY ITS
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT,
In Crime No.12/2017.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.N.TAMILMANI Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

For Intervenor : Mr.BABU RAJENDRAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 419, 468, 471 and 420 of IPC in Crime No.12 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that A2 is a power agent and A3 & A4 are the attesting witness of the power of attorney and the same was executed by A1 as the owner of the property.

3.The learned counsel appearing for the petitioner would submit that the power of attorney and other witness persons are genuine persons and after obtaining power of attorney from the original owner, the de facto complainant is not a owner of the property and made a false claim before the respondent Police and accordingly, the respondent Police register a case against the petitioners. He further submit that they did not commit any offence and they are innocent persons and they are falsely implicated in this case. hence, he prayed for anticipatory bail.



4.The learned counsel for the intervenor would submit that the real owner of the property is one Thiagaraja Pillai and the property was purchased in the year 1989 and till date, he is enjoying the said property. In the year 2016, the petitioners approached the respondent Police in the name of Thiagaraja Pillai as if the sale deed was found missing. Accordingly, they obtained a missing certificate from the law enforce agency. Thereafter, they executed a sale agreement and the same was subsequently cancelled and thereafter, petitioners created power of attorney and other documents.

5.The learned Additional Public Prosecutor appearing for respondent would submit on instructions that the petitioners created the fictitious person and created all these documents in order to grab the property. He further submitted that investigation is still pending and he vehemently objected to grant anticipatory bail.

6.Considering the facts and circumstances of the case and the submissions made by the learned Additional Public Prosecutor and also considering the gravity of offence levelled against the petitioners, I am not inclined to grant to anticipatory bail to the petitioners at this stage. Accordingly, this petition is dismissed.

sd/-

04/10/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT,
 - 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.N.TAMILMANI, Advocate SR.No.32149
- +1. C.C. to M/S.BABU RAJENDRAN, Advocate, SR.No.32093

ORDER

IN

CRL OP(MD) No.11982 of 2017

Date :04/10/2017

gns

SH/CM-MSA/SAR-3:12.10.2017: 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>