



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16695 of 2017

RAVI

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
THILAGARTHIDAL (L&O) POLICE STATION,
MADURAI.

CRIME NO.1038 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MURALI Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

For Intervenor : M/S.VIJAYARAJA, Advocate

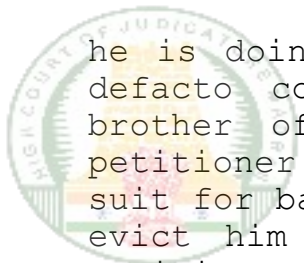
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 07.11.2017 for the alleged offences punishable under Sections 420, 419, 467, 471, 472, 294(b) and 506(i) of IPC., in Crime No.1038 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had created bogus documents, based on which, an agreement of sale was registered in respect of the building belonging to the wife of the defacto complainant and thereby the respondent registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that admittedly the petitioner's brother was a tenant in the premises of the defacto complainant. Since there was a dispute regarding tenancy, the petitioner filed a suit before the civil forum against the defacto complainant and the same is pending. During the pendency of the civil suit, it is alleged that the petitioner and other persons colluded together and prepared a forgery document, as if they are the owners of the property and sold the property to one Bala Subramaniam. The petitioner was implicated based on the confession of the A1. The counsel for the petitioner would further submit that the petitioner is a tenant till date and



he is doing a tailoring business in the premises belonging to the defacto complainant. There was a tenancy dispute between the brother of the petitioner and the landlord and therefore, the petitioner filed a RCOP and the same is pending and also a civil suit for bare injunction was also filed seeking the relief of not to evict him without due process of law. In order to vacate the petitioner, the defacto complainant foisted the false case. The petitioner is in no way connected with the alleged preparation of the bogus document.

4.The learned counsel appearing for the intervenor would submit that the petitioner is not a tenant. The petitioner's brother entered into a tenancy agreement with the defacto complainant. Since the brother of the petitioner and the petitioner wanted to purchase the property from him, the defacto complainant decided to evict the petitioner. However, they filed a civil suit, colluded together and prepared the bogus document with other accused persons in order to execute the sale deed in favour of Balasubramaniam to grab the property.

5.The learned Government Advocate (Crl. Side) would submit that at the time of registration of FIR, the petitioner was arrayed as A2 and subsequently after investigation he was arrayed as A4 and further submit that only few persons were arrested in the said case. The petitioner is one among them. Investigation is in the initial stage and yet to ascertain the persons who are involved in the said crime offence. Hence, he vehemently opposed to the grant of bail.

6.Considering the facts and circumstances of the case and considering the submissions made by the learned Government Advocate (Crl. Side) and the gravity of the offence, I am not inclined to grant bail to the petitioner. Accordingly, this bail petition is dismissed.

sd/-
06/12/2017

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

TO

- 1 THE INSPECTOR OF POLICE,
THILAGARTHIDAL (L&O) POLICE STATION, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16695 of 2017
Date :06/12/2017