

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION Nos.12858 & 12897 of 2018

N.NAGARAJ,

[PETITIONER / ACCUSED in
CRL.OP.12858/2018]

1 R.RAJENDRAN
2 P.PANNEERSELVAM

[PETITIONERS/ACCUSED IN
CRL.OP.12897/2018]

Vs

THE STATE REP BY ITS,
THE STATION HOUSE OFFICER
DISTRICT CRIME BRANCH,
DHARMAPURI DISTRICT
CR.NO.1 OF 2018.

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner : M/S.S.KUMARA DEVAN Advocate IN CRL.OP.12858/2018

For Petitioner : M/S.A.PRAKASH, Advocate in CRL.OP.12897/2018

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR
IN BOTH THE PETITIONS

For INTERVENER : MR.A.ILAYA PERUMAL, Advocate in BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 120(b), 465, 468, 471 and 420 IPC in Crime No.1 of 2018 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners along with other accused created forged documents, got an Arbitration Award from one K.Rajaram, Advocate, Coimbatore and tried to grab the property belonging to the *de facto* complainant by filing executing petition based on the Arbitration Award.

4. Learned counsel for the petitioner submits that the petitioners have been falsely implicated in this case.

5. Learned Additional Public Prosecutor submits that totally there are three accused in this case. The *de facto* complainant is the owner of the property. Earlier, for the same allegation of forgery of patta in respect of *de facto* complainant's property, *de facto* complainant lodged a complaint in Crime No.4 of 2007 for offences u/s.419, 468 and 420 IPC. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.No.46 of 2008 on the file of learned Judicial Magistrate I, Dharmapuri, which ended in conviction of accused for three years. The appeal preferred by accused in C.A.No.19 of 2014 on the file of learned Additional Sessions Judge, Dharmapuri, came to be dismissed under judgment dated 26.05.2014. There against, accused preferred Crl.R.C.No.28 of 2016 before this Court and the same is pending. While so, petitioners, in respect of the very same property, created fake documents so as to appear that an Arbitrator has been appointed, an Arbitration has been conducted and an award has also been passed and also tried to executed the award.

Considering the facts of the case, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the petitions are dismissed.

-sd/-
03/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI.

2 THE ADDL. SESSIONS JUDGE.
DHARMAPURI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER
DISTRICT CRIME BRANCH,
DHARMAPURI, DISTRICT

+1 CC to M/S.S.KUMARA DEVAN Advocate on payment of necessary charges-Sr.8900

+1 CC to M/S.A.PRAKASH, Advocate on payment of necessary charges-Sr.8899

+2 CC to M/S.A.ILAYA PERUMAL, Advocate on payment of necessary charges-Sr.8861 and 8862

CRL OP.Nos.12858 & 12897/2018

Date :03/05/2018

ths : 08.05.2018