



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP (MD) No.2307 of 2018

SUBA.ILAVARASU

... PETITIONER / ACCUSED NO.7

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH, MADURAI CITY.  
(CRIME NO.3 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAJAPRABHU Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate ( Crl. Side)

For Intervenor : M/S.K.M.PRISCILLA JANCY for MR.S.THANGARAJ Advocate

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

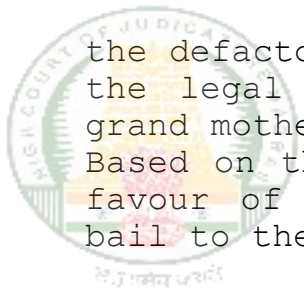
ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 382, 384, 406, 420, 465, 468 & 506(ii) I.P.C., in Crime No.3 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2, in order to grab the defacto complainant's properties created a forged sale deed in their favour with the help of other accused persons and cheated the defacto complainant. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned counsel appearing for the intervenor submitted that in order to vacate the tenant from the defacto complainant's property, he had consulted with one Ponnupandi. The said Ponnupandi introduced one Advocate, namely, Sivashakthi Balan and his wife Swarnalatha, who is the Sub Inspector of Police. In order to cheat the defacto complainant's property, the above said accused persons were colluded with one Chinnu, created a forged death certificate of



the defacto complainant's grand father Chinnathambi @ Vallimuthu and the legal heir certificate of the defacto complainant's maternal grand mother Sundaranandhammal and misused the said forged document. Based on the forged documents, they got the general power deed in favour of A1. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are 8 accused in this case. The petitioner herein is arrayed as A7. According to him, investigation is still pending.

6.The submissions made by the learned counsel appearing on either side are considered. In the alleged offence, totally 8 accused were involved. The first accused is the Advocate and the second accused is the wife of the first accused, working as a Sub Inspector of Police, Tamil Nadu Public Department. During the time of occurrence, all the accused made conspiracy and created a death certificate of maternal grand father of the defacto complainant and transferred the property worth about Rs.2 crores in favour of the first accused. In the said alleged occurrence, the petitioner herein and one another document reader namely, Chinnu created a bogus document. On go through the averments made in the F.I.R, it reveals that the petitioner made conspiracy in the alleged occurrence. Thereby, the petitioner has directly involved in the commission of offence. As of now, the forged documents created by the first accused are not cancelled. As per prosecution, investigation is in the initial stage and other accused in this case not yet arrested. Therefore, for the reasons stated above, if this type of petitioner is granted anticipatory bail, he may tamper the witness and hamper the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-  
22/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH, MADURAI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN  
CRL OP(MD) No.2307 of 2018  
Date :22/02/2018