



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.2818 of 2018

J.SURIYA MOORTHY

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.44 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN Advocate

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

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

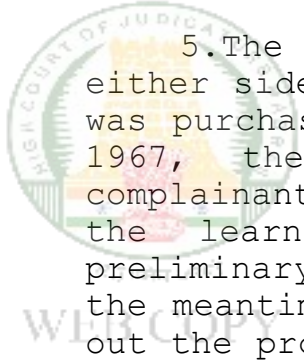
ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 420, 468, 120(b), 423, 470, 474 and 34 I.P.C., in Crime No.44 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the land to an extent of 49 cents in S.No.110 /1C2, Sangaraperi Village, Thoothukudi District, belongs to the defacto complainant's father. In the year 1967, partition suit was filed in O.S.No.103 of 2007, on the file of the learned Subordinate Judge, Thoothukudi. While so, one Devarajan and his son Suresh, who are arrayed as accused nos. 1 and 2 respectively, created a forged revenue records and executed a registered sale deed in favour A2, thereafter, the second accused sold out the said property in favour of the petitioner's company through a sale deed dated 08.01.2016. 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 Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that the land in question was purchased by the father of the defacto complainant in the year 1967, thereafter partition suit was filed by the defacto complainant's family in the year 1996 in O.S.No.103 of 2007 before the learned Subordinate Judge, Thoothukudi. In the result, preliminary decree was passed and now proceedings were pending. In the meantime, on 08.01.2016, the second accused in this case sold out the property in favour of A5, who is the petitioner herein. So, investigation only reveals that the petitioner is having the title over the property or not, therefore, custodial interrogation of the petitioner is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
22/02/2018

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

TO

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

ORDER
IN
CRL OP(MD) No.2818 of 2018
Date :22/02/2018

MKV-PM-PN-SAR 2/6.3.2018/2P-3C