



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

Tuesday, the Fourth day of September Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.14125 of 2018

1.A.BASKARAN

2.A.BAGAVATH SINGH ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

1.THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING WING,
THENI DISTRICT.

2.THE SUPERINTENDENT OF POLICE,
THENI DISTRICT ... RESPONDENTS

For Petitioners : Mr.A.P.MUTHUPANDIAN, Advocate.

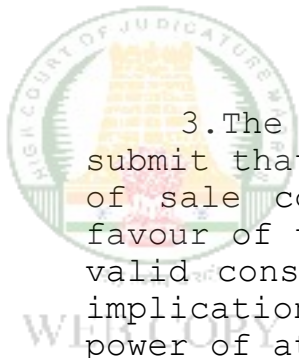
For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

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 offences punishable under Sections 406 420, 417 and 506(ii) I.P.C. in Crime No.32 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint alleging that his mother Vijayalakshmi purchased the property in Survey No.2/1 to an extent of 3/12 cents and Survey No.2/B to an extent of 5 cents 34 Sq.ft (2 Sub Division) totally 24 cents in Survey No.22/B, 21/A which is situated at Koduvelampatti, Velli Aranmanai Pudur, Theni District. The said Vijayalakshmi was impersonated by the second accused and created a general power of attorney dated 05.07.2009. Thereafter on 01.11.2011, he sold out the property in favour of the first accused. The defacto complainant further alleged that his mother died on 27.04.2011. Without knowledge of his mother, the second accused created a power of attorney and sold out the same to the co-accused.



3.The learned counsel appearing for the petitioners would submit that the mother of the defacto complainant, after the receipt of sale consideration only, she executed a power of attorney in favour of the second accused, in turn he executed a sale deed for a valid consideration in favour of A1. Therefore, there is no false implication of the document and no forgery was happened in the said power of attorney. Hence, he seeks for anticipatory bail.

4.The learned counsel appearing for the intervenor would submit that the property purchased by his mother in the year 1981-82 measuring to an extent of 24 cents. The second accused fabricated the power of attorney as if the same was executed by the defacto complainant's mother and notarized the same. Thereafter, he colluded with the first accused and created a sale deed dated 01.11.2011 in favour of the first accused. Further, it is submitted that the property situated at Theni District, whereas the property registered at Sub Registrar of Palladam, Tiruppur District including some of the lands situated within the jurisdiction of Palladam Registration Office. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5.It is seen from the records submitted by the intervenor that the power of attorney dated 05.07.2009 is not a registered one and it is admittedly a notarized one.

6.The learned Additional Public Prosecutor appearing for the respondent submitted that the signature found in the general power of attorney differs from the original signature of the defacto complainant's mother. Further, Accused No.1 executed a sale deed that too at Palladam Registrar Office including some other properties have jurisdiction before the Palladam Registration Office and registered the sale deed dated 01.11.2011 in favour of Accused No.1.

7.Considering all these aspects, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
04/09/2018

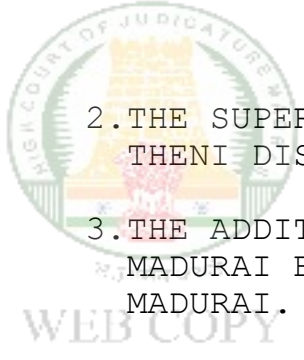
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE INSPECTOR OF POLICE
ANTI-LAND GRABBING WING,

<https://hcservices.mca.gov.in/hcservices/>
THENI DISTRICT.



2. THE SUPERINTENDENT OF POLICE,
THENI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.K.APPADURAI, Advocate, SR.No.16808.

ORDER

IN

CRL OP(MD) No.14125 of 2018

Date :04/09/2018

RAM/PN/SAR 2/19.09.2018/3P/5C