



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4101 of 2020

Gnana Chandran

... Petitioner/1st Accused

Vs

1. State Rep. by
The Inspector of Police,
District Crime Branch,
Palayamkottai,
Tirunelveli -2,
Cr.No.43 of 2012.

... Respondent/Complainant

2. The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.

... Respondent/
Investigation Officer

For Petitioner : M/s.S.R.Anbarasu, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.43 of 2012 on the file of the
1st Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the
respondents.

2.This petition for anticipatory bail for the alleged offences
under Sections 419, 465, 467, 468, 471 and 420 of IPC in Crime No.43
of 2012, on the file of the first respondent police. It was
subsequently transferred to the file of the second respondent for
the investigation.



3.The substance of the complaint is that the defacto complainant had purchased land from the legal heir of the Devasagayam and Iruthayaraj. While so, the petitioner herein, in connivance with certain other persons had created documents in the year 1996 as if the said Devasagayam and Iruthayaraj sold the property to the petitioner. The fact is that both the Devasagayam and Iruthayaraj died as early as on 1992. So alleging the petitioner had forged document and grabed the land complaint is given.

4.The learned counsel appearing for the petitioner would submit that the petitioner had purchased the property in the year 1996 and this complaint was given only in the year 2012, after 16 years of the transaction. Further, he would submit that the defacto complainant already filed a civil suit for declaration and injunction, which was partly allowed. In so far as title declaration relief, the trial Court has dismissed and appeal is pending. Being a civil dispute, the learned counsel appearing for the petitioner would submit that criminal colour has been given through a belated complaint hence, pray for grant of anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the title deed related by the petitioner herein is obviously a fake document created by forgery and impersonation, since both the Devasagayam and Iruthayaraj died in the year 1992 itself. The title deed of the petitioner say that in the year 1996, the Said Devasagayam and Iruthayaraj sold the property to the petitioner. Since there was no progress in the investigation by the first respondent, the Superintendent of Police has transferred the same to the second respondent. After taking charge of the investigation, the second respondent police herein/ Nanguneri Police Station had caused notice to the petitioner under Section 41(A) Cr.P.C., to appear for enquiry and produce documents on 24.02.2020. The learned Government Advocate (Crl. Side) would further submit that the petitioner has so far not cooperated with the investigation.

6.Taking note of the above fact, this Court finds that despite receipt of the summons under Section 41(a) Cr.P.C., the petitioner herein has not cooperated with the respondent police and so far not produced the document. In the above circumstances, this Court finds no merits in this anticipatory bail petition. Hence, anticipatory bail petition is dismissed.

sd/-
17/03/2020

/ TRUE COPY /

/ /2020

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



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PALAYAMKOTTAI,
TIRUNELVELI -2
2. THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4101 of 2020

Date :17/03/2020

VSG

TE/VR/SAR-III : 22/05/2020 : 3P/4C