



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2020

PRESENT

WEB COPY

The Hon'ble Dr. Justice G. JAYACHANDRAN

CRL OP (MD) Nos. 5300 & 5302 of 2020

1. Pappathi Ammal
2. Sekar

... Petitioners/Accused No. 1&2
in CRL OP (MD) No. 5300/2020

1. Sasikumar
2. Venkatesh
3. Baskaran

... Petitioners/Accused No. 3 to 5
in CRL OP (MD) No. 5302/2020

Vs

The State rep. by
Inspector of Police,
District Crime Branch,
Theni District.
In Crime No. 05 of 2020.

... Respondent/Complainant
in both CRL Ops.

For Petitioner : Mr. G. Prabhu Rajendran,
(in both Crl. O. Ps.) Advocate.
for M/s. S. Balakarthick

For Respondent : Mr. S. Chandrasekar,
(in both Crl. O. Ps.) Additional Public Prosecutor

For Intervenor : Mr. D. R. Arunkumar
(in both Crl. O. Ps.)

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

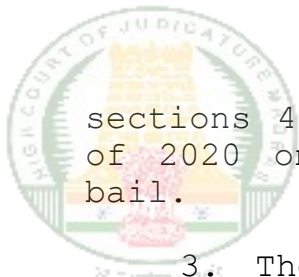
COMMON PRAYER :-

For Anticipatory Bail in Crime No. 05 of 2020 on the file of
the respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Additional Public Prosecutor appearing for the respondent
and the learned counsel for the intervenor.

2. The petitioners in both petitions apprehending arrest at
the hands of the respondent police for the offences punishable under



sections 465, 468, 471, 472, 420, 120(B) of I.P.C., in Crime No.05 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The petitioners apprehending arrest at the hands of the respondent police in the light of the complaint given by the intervenor alleging forgery of patta for creating title deed.

4. The learned counsel for the petitioners would submit that the petitioners are the owners of the property and no forgery or illegality happened in settling the said property by A1 in favour of A2, who are the petitioners in Crl.O.P.(MD)No.5300 of 2020. As far as petitioners in Crl.O.P.(MD)No.5302 of 2020 are concerned, the first and second petitioners are witnesses and third petitioner is no way connected with the transaction.

5. The learned counsel for the petitioners would submit that due to some wrong entry in the UDR mutation, the defacto complainant has claimed right over the property and he would submit that the petitioners are ready to co-operate with investigation and there is no necessity for the arrest and custodial interrogation.

6. As far as the third petitioner in Crl.O.p.(MD)No.5302 of 2020 is concerned, the learned counsel for the petitioners would submit that he being a Government Servant, if he is arrested, his carrer may get affected. Further, it is submitted that there is no overt act against accused No.5/third petitioner in the complaint.

7. Contrarily, the learned counsel for the intervenor would submit that it is a clear case of forgery committed by the petitioners and that the intervenor's grand father is the absolute owner of the property and he has settled the said property in favour of the defacto complainant.

8. Considering the gravity of the complaint, this Court is of the view that arrest and custodial interrogation alone will disclose the true facts. Granting of anticipatory bail may lead to tamper the evidence. Hence, these criminal original petitions are dismissed.

9. In the result, petitions for anticipatory bail filed by A1 to A5 are dismissed. Insofar as A5(Baskaran) is concerned, the respondent shall proceed taking note of the Section 41A of the Criminal Procedure Code.

sd/-
18/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

ORDER

IN

CRL OP (MD) No. 5300 & 5302 of 2020

Date : 18/05/2020

GNS

SRS/ JC/ SAR-III/ 19.05.2020/ 3P/3C