



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.6210 of 2020

1. Jahir Hussain

2. Sabik Ahamed

... Petitioners/Accused Nos.1 & 2

Vs

State through

The Inspector of Police,

Theppakulam Police Station,

Madurai City.

(Crime No.157 of 2020)

... Respondent/Complainant

For Petitioners : M/s J.Jeyakumaran,
Advocate.

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

For Intervenor : Mr.S.Ramakrishnan,
Advocate.

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

PRAYER :-

for Anticipatory Bail in Crime No.157 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420 and 506 (i) of IPC., in Crime No.157 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners went to Sub-Registrar Office, at Kodaikanal, Dindigul District for getting Mortgage Loan to the defacto complainant through her property. Thereafter, the petitioners obtained signature from the defacto complainant in the sale deed and on the very same day the sale deed was registered. After the completion of the sale deed, the defacto complainant saw the sale deed and shocked that the petitioners obtained her signature in the



sale deed. The defacto complainant after came to known about this forgery, gave a complaint to concerned Sub-Registrar Office and the Sub-Registrar advised the defacto complainant to register a complaint to the police station. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners, learned counsel appearing for the Intervenor appearing for the defacto complainant and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the defacto complainant approached the 2nd petitioner for sell her house property. Due to which, both were went to the Sub-Registrar Office, Kodaikanal and the defacto complainant executed a sale deed in favour of the 2nd petitioner. He further submitted that the petitioner are innocent persons and the defacto complainant foisted a false case as against the petitioner. Hence, he prayed to anticipatory bail to the petitioners.

5. The learned counsel appearing for the defacto complainant would submit that the defacto complainant and the petitioners went to Sub-Registrar Office, at Kodaikanal, Dindigul District for getting Mortgage Loan to the defacto complainant through her property. Thereafter, the petitioners obtained signature from the defacto complainant in the sale deed and on the very same day the sale deed was registered. After the completion of the sale deed, the defacto complainant saw the sale deed and shocked that the petitioners obtained her signature in the sale deed. The defacto complainant after came to known about this forgery, gave a complaint to concerned Sub-Registrar Office and the Sub-Registrar advised the defacto complainant to register a complaint to the police station. He also threatened the defacto complainant with dire consequence and hence, he opposed to grant anticipatory bail to the petitioner.

6. The learned Government Advocate (Crl.Side) appearing for the State would submit that the defacto complainant and the petitioners went to Sub-Registrar Office, at Kodaikanal, Dindigul District for getting Mortgage Loan to the defacto complainant through her property. Thereafter, the petitioners obtained signature from the defacto complainant in the sale deed and on the very same day the sale deed was registered. After the completion of the sale deed, the defacto complainant saw the sale deed and shocked that the petitioners obtained her signature in the sale deed. The defacto complainant after came to known about this forgery, gave a complaint to concerned Sub-Registrar Office and the Sub-Registrar advised the defacto complainant to register a complaint to the police station. He also threatened the defacto complainant with dire consequence. Thereafter, cheated the defacto complainant, he executed the sale deed in favour of 2nd petitioner/A2. Further, 1st petitioner/A1 is having six previous case including 304 case. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



7. Considering the facts and circumstances of the case and considering the fact that the petitioners committed very serious offence and also the fact that the 1st petitioner/A1 is having 6 previous cases, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
07/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6210 of 2020
Date : 07/10/2020

DSS
TE/JC/SAR-II : 13/10/2020 : 3P/3C