



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

Date : 14/10/2020

PRESENT

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

CRL OP(MD) . No.10394 of 2020

1. Balasubramanian
2. Saradha Devi
3. Paneerselvam

... Petitioners/Accused No.1 to 3

Vs

State Rep.by,
The Inspector of Police,
City Crime Branch (CCB),
Madurai, Madurai District.
(Crime No.31 of 2019).

... Respondent/Complainant

For Petitioners: Mr.S.Poornachandran,
Advocate.

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

For Intervener : Mr.M.Ramesh,
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No. 31 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 211, 420, 468 and 506(i) of IPC in Crime No.31 of 2019 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first accused sold out the property by way of registered sale deed to the defacto complainant on 31.01.2018, and at the time of executing sale deed, the first petitioner informed the defacto complainant that the original parental documents of the said property was misplaced and as such, he has lodged a complaint before the respondent Police on 09.02.2018 and also obtained non traceable certificate on 10.02.2018. Thereafter, after showing the original parental documents, the petitioner demanded more money from the defacto complainant. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the defacto complainant/intervener and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

4. The learned counsel appearing for the petitioners submitted that the defacto complainant approached the first petitioner and expressed his intention to purchase the land property, which was not used by the petitioners. The first petitioner, in an drunken mode, has admitted the proposal of the defacto complainant. However, the petitioner stated to the defacto complainant that the original documents is with his daughter. Hence, the defacto complainant brought the first petitioner to the Othakadai Police Station and using his influence, he prepared a complaint as if the document was misplaced and obtained missing certificate. Using the same, the first petitioner executed a registered sale deed in favour of the defacto complainant. Thereafter, the defacto complainant claiming over that he is absolute owner of the entire property and filed a suit in O.S.No.120 of 2018, on the file of the District Munsif Court, Melur and the same is still pending. Thereafter, the present complaint has been filed. Hence, he prayed to to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervener/defacto complainant submitted that the petitioners have demanded more money after showing the original parental document of the property. He further submitted that the defacto complainant also came to understand that the petitioners are very well in possession of the original parental documents of the property and even then they suppressed the said fact and the petitioner with intention to extract more money from the defacto complainant as if the documents were misplaced and produced non traceable certificate and executed sale deed.

6. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the first accused sold out the property by way of registered sale deed to the defacto complainant on 31.01.2018, and at the time of executing sale deed, the first petitioner informed the defacto complainant that the original parental documents of the said property was misplaced and as such, he has lodged a complaint before the respondent Police on 09.02.2018 and also obtained non traceable certificate on 10.02.2018. Thereafter, after showing the original parental documents, the petitioner demanded more money from the defacto complainant. Hence, the crime has been registered against the petitioners.

7. It is seen from the records that the petitioners have executed sale deed in favour of the defacto complainant by showing non traceable certificate as if the original parental documents of the property were misplaced. Now, the petitioners are very much in possession of the parental document and even they refused to return document to the defacto complainant.



8.Earlier, this Court have given ample opportunity to the petitioners to return parental document of the property, but, the petitioners failed to hand over the original parental document of the property to the defacto complainant.

9.Considering the above facts and circumstances of the case and also considering the fact that there is a specific overt act attributed against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

10.Accordingly, this criminal original petition is dismissed.

sd/-
14/10/2020

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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,
CITY CRIME BRANCH (CCB),
MADURAI.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10394 of 2020
Date :14/10/2020

vsg
PK/PN/SAR-II/28.10.2020 : 3P/3C