



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

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

CRL OP(MD). No.10442 of 2020

John Peeter

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
Crime No.43 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Velrajan,
Advocate.

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

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

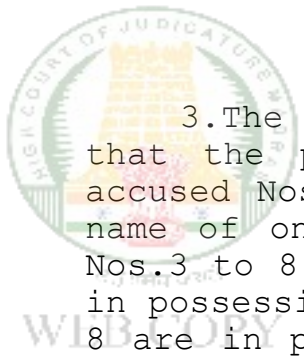
PRAYER :-

For Anticipatory Bail in Cr.No.43 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 120 (B), 465, 467, 468 & 471 of IPC., in Crime No.43 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that in the year 1977, the petitioner and his brothers purchased the property from one Sivakamiammal, who is the grandmother of the accused Nos.3 to 8. Thereafter, accused Nos.3 to 8 colluded with other accused, without any title over the said property executed General Power of Attorney in favour of accused No.1 and on the strength of power, accused No.1 executed sale deed in favour of accused No.2 with the help of accused No.9. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner only acts as the Power of Attorney of the accused Nos.3 to 8. The disputed property originally stands in the name of one Sivakamiammal, who is the grandmother of the accused Nos.3 to 8. After her demise, her daughter viz., Thirumalammal, was in possession and enjoyed the property. Thereafter, accused Nos.3 to 8 are in possession and enjoying the same. The accused Nos.3 to 8 has filed a suit in O.S.No.130/2020 before the Principal District Court, Tirunelveli, to declare the document in Document No.1293/1977 before the Sub-Registrar, Palayamkottai is null and void and know about the same, the defacto complainant and his brothers were lodged the false complaint against the petitioner and the other accused and hence, the petitioner and the other accused persons filed anticipatory petition before the Principal Sessions Court, Tirunelveli and the same was dismissed. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seek anticipatory bail.

4. The learned Government Advocate (Crl. Side), on instructions, submitted that totally there are 9 accused. The petitioner herein is arrayed as an accused No.1. The petitioner and his brothers purchased the property from one Sivakamiammal, who is the grandmother of the accused Nos.3 to 8. Thereafter, accused Nos.3 to 8 colluded with other accused, without any title over the said property executed General Power of Attorney in favour of accused No.1 and on the strength of power, accused No.1 executed sale deed in favour of accused No.2 with the help of accused No.9. The accused Nos.3 to 8 has also filed a suit in O.S.No.130/2020 before the Principal District Court, Tirunelveli, to declare the document in Document No.1293/1977 before the Sub-Registrar, Palayamkottai is null and void and the same was pending.

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

6. Considering the fact and circumstances of the case and also considering the preliminary stage of investigation, this Court is not inclined to grant anticipatory bail to the petitioner herein.

7.Accordingly, the anticipatory bail petition is dismissed.

sd/-
05/10/2020

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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.

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TO

- 1.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10442 of 2020
Date :05/10/2020

DSS
TK/VR/SAR.2/08.10.2020/3P/3C