



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

Date : 05/11/2020

PRESENT

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

CRL OP(MD). No.12451 of 2020

Murugesan

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai District.
(Crime No.3 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Ravi,
Advocate.

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

For Intervener : Mr.V.Panneerselvam,
Advocate.

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

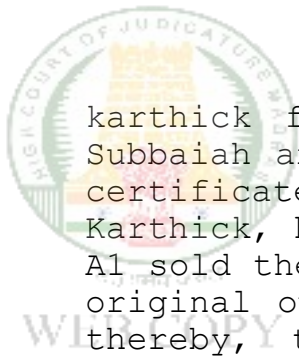
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 419, 420, 465, 467, 468 and 471 of IPC, in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have purchased the property from one Karthikeyan, who is arrayed as A1 in this case. Subsequently, the defacto complainant came to know that the property originally belongs to one Dhamodharan S/o.Subbaiah, who was residing at Singapore. One



karthick fabricated the forged death certificate in the name of Subbaiah and his wife Gnanajothi. Thereafter, obtained a legal heir certificate in favour of one Ambika, who is the wife of the said Karthick, he sold the property in favour of Karthikeyan/A1. In turn, A1 sold the property to the defacto complainant. After sometime, the original owner of the property claimed title over the property and thereby, the defacto complainant came to know about the said fraudulent transfer made by the Accused, a complaint has been given. Based on that, the FIR has been registered.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that believing that Ambika is the legal heir of the one Subbaiah, the petitioner has purchased the property, for a valuable consideration, and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is arrayed as A1 and that there is no change of circumstances after dismissal of the earlier bail application in Crl.OP(MD)No.8897 of 2020 dated 01.09.2020. Further, the custodial interrogation of the petitioner is absolutely necessary and therefore, he opposed to grant anticipatory bail to the second petitioner.

6. It is seen that this is the third application seeking anticipatory bail. The earlier bail application in Crl.OP(MD)No.8897 of 2020 was dismissed on merit by this Court on 01.09.2020.

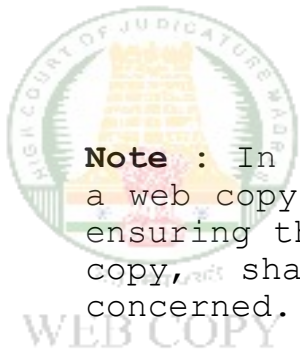
7. Taking into consideration of the fact that there is no change of circumstances after dismissal of the earlier bail application in Crl.OP(MD)No.8897 of 2020, this Court is not inclined to grant anticipatory bail to the second petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
05/11/2020

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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,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12451 of 2020
Date :05/11/2020

DSS
SRS/AKM/SAR-III/18.11.2020/3P/3C