



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

Date : 07/10/2020

PRESENT

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

CRL OP(MD). No.10919 of 2020

A.S.Siva Sankar

... Petitioner/Accused No.8

Vs

State Rep. by
The Inspector of Police,
City Crime Branch,
Tirunelveli City,
in Crime No.7 of 2020.

... Respondent/Complainant

For Petitioner : Mr.I.Suthakaran,
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.7 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A8, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 468 and 471 of I.P.C., in Crime No.7 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Totally there are twelve accused in this case. The case of the prosecution is that the first accused has impersonated one of the legal heirs of one Narayanan Chettiar and executed a settlement deed in favour of A2, in which, A3 and A4 stood as witnesses. Thereafter, A2 in turn executed a power of attorney in favour of A5. Thereafter, the petitioner/A8 has entered into a sale agreement with A11 on the strength of power of attorney. Thereafter, the defacto complainant filed a suit in O.S.No.126 of 2019 before the Principal District Munsif, Tirunelveli seeking for declaration all the documents, which was executed by the accused persons, as null and void. Based on the complaint given by the defacto complainant, the



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is a power of attorney holder, which was executed by A5 and the same was duly registered before the Sub Registrar, Melapalayam, Tirunelveli District Vide doc No.3081 of 2019 dated 17.05.2019 and he entered a sale agreement with A11, for selling the above described properties, in accordance with law. He further submitted that the defacto complainant lodged a false complaint with intent to extract money from the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that in order to grab the properties, A1 impersonated one of the legal heirs of one Narayanan Chettiar and executed settlement deed in favour of A2, in which, A3 and A4 stood as witnesses. Thereafter, A2 in turn settled the property in favour of A5. A5 has executed power of attorney in favour of the petitioner/A8. Subsequently, the petitioner has entered into sale agreement with A11. Hence, the crime has been registered.

6. On perusal of the records, it is seen that A1 impersonated one of the legal heirs of one Narayanan Chettiar and executed settlement deed in favour of A2, in which, A3 and A4 stood as witnesses. Thereafter, A2 in turn settled the property in favour of A5. A5 has executed power of attorney in favour of the petitioner/A8. Subsequently, the petitioner has entered into sale agreement with A11. Thereafter, the defacto complainant filed a suit in O.S.No.126 of 2019 before the Principal District Munsif, Tirunelveli seeking for declaration all the documents, which was executed by the accused persons, as null and void.

7. Considering the facts and circumstances of the case and also considering the fact that all the accused persons have committed very serious offences by impersonating the original owner of the property and grabbed the property, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition stands 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,
CITY CRIME BRANCH, TIRUNELVELI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10919 of 2020
Date :07/10/2020

vsg
JM/PN/SAR III/15.10.2020/3P/3C