



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

Date : 02/11/2020

PRESENT

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

CRL OP(MD). No.11630 of 2020

D.Thangaraj Pandiyan

...Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
The District Crime Branch,
Land Grabbing, Ramanathapuram.
Crime No.33 of 2020

... Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi,
Advocate.

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

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

PRAYER :-

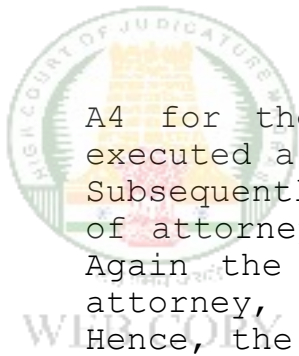
For Anticipatory Bail in Crime No. 33 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 447, 465, 468, 471 and 506(i) IPC in crime No.33 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that totally there are six accused. The subject family property is owned by A1, A2 and A5. A1 and A2 sold the property in favour of A3. While that being so, when A5 has no title over the property, only on the strength of the relationship with A1, she executed power of attorney in favour of



A4 for the very same property. In turn, the petitioner herein executed a sale deed in favour of one Pandithevar in the year 2007. Subsequently, the said Pandithevar came to understand that the power of attorney is a forged one and reconvey the same in favour of A4. Again the petitioner, on the strength of the very same power of attorney, sold the property in favour of defacto complainant. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that there is absolutely no encumbrance over the property. A5 namely sister of A1 has absolutely right over the property and executed power of attorney. Hence, he would pray for anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) submitted that the investigation is pending. He would also submit that there are five previous cases pending against the petitioner.

6.It is seen that that totally there are six accused. The subject family property is owned by A1, A2 and A5. A1 and A2 sold the proerty in favour of A3. While that being so, when A5 has no title over the property, only on the strength of the relationship with A1, she executed power of attorney in favrour of A4 for the very same property. In turn, the petitioner herein executed a sale deed in favour of one Pandithevar in the year 2007. Subsequently, the said Pandithevar came to understand that the power of attorney is a forged one and reconvey the same in favour of A4. Again the petitioner, on the strength of the very same power of attorney, sold the property in favour of defacto complainant.

7. Considering the facts and circumstances of the case and also considering the bad antecedents of the petitioner, this Courtis not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
02/11/2020

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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,
THE DISTRICT CRIME BRANCH,
LAND GRABBING, RAMANATHAPURAM.

2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11630 of 2020

Date : 02/11/2020

GNS

TK/VR/SAR.4/18.11.2020/3P/3C