



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

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PRESENT

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

CRL OP(MD). No.13549 of 2020

S.Sutha

... Petitioner/2nd Accused

Vs

The State rep. by
The Inspector of Police,
City Crime Branch (ALGSC),
Tirunelveli.
Crime No. 46/2020.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 46 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 420, 465, 467, 468, 471 and 120B of IPC, in Crime No.46 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has purchased subject property from the first accused by the registered sale deed dated 10.12.1997 vide Document No.4088/1997. Thereafter, the property was rent out to the tenant. The petitioner is being the tenant and the petitioner along with A3 made forged sale deed in favour of the petitioner and A3, which was executed by A1, who is the original owner of the property vide Sale deed No.5333/2019, dated 26.09.2019. Subsequently, the first accused has also filed a suit in O.S.No.208 of 2020 to declare the sale deed No.4088/1997 as null and void. Further alleged that the third accused being advocate threatened the defacto complainant to execute



the sale deed in favour of A2/petitioner and thereafter A3 has fabricated the document and executed sale deed with the very same property in favour of the petitioner. Hence, the present complaint.

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 A2 and he is a bona fide purchaser from one Baskaran, who is the original owner of the property by registered sale deed vide document No.5333 of 2019 dated 26.09.2019. In fact the petitioner has also filed a suit in O.S.No.208 of 2020, on the file of the Additional Sub Court, Tirunelveli, to declare the sale deed No.4088/1997, dated 10.12.1997 as null and void. He further submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and as such the custodial interrogation of the petitioner does not require. 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 totally there are seven accused in this case, in which, the petitioner has been arraigned as A2. The subject property belonged to the first accused. The first accused executed sale deed in favour of the defacto complainant vide Document No.4088/1997, dated 10.12.1997. After period of 22 years, the third accused compelled the defacto complainant to sell the subject property in favour of the second respondent herein, which was refused by the defacto complainant and thereafter, the petitioner along with A3 made forged sale deed in favour of the petitioner and A3, which was executed by A1, who is the original owner of the property vide Sale deed No.5333/2019, dated 26.09.2019. Therefore, all the accused persons have conspired together and cheated the defacto complainant in respect of the subject property.

6. Considering the facts and circumstances of the case and also considering the fact that there is specific overt act attributed against the petitioner and custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original petition stands dismissed.

sd/-
30/11/2020

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

ORDER
IN
CRL OP(MD) No.13549 of 2020
Date : 30/11/2020

VSG
SRS/PN/SAR-IV/15.12.2020/3P/3C