



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD) . No.13772 of 2020

1. Ponraj
2. M.Kannan ... Petitioners/Accused Nos.1 & 3

Vs

State Rep.by
The Inspector of Police,
Thirupparankundram Police Station,
Madurai District.
In Crime No. 1480 of 2020. ... Respondent/Complainant

For Petitioner : Mr.A.Vadivel,
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.1480 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / A1 & A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 406, 420, 468, 471, 294(b), 506(ii) IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant approached the first accused for getting free house site patta and also paid a sum of Rs.1,40,000/- and after receipt of the amount, the first accused with the help of the other accused persons issued fabricated patta in favour of the defacto complainant. Thereafter, the defacto complainant verify the same and found that the patta was not issued to the authorities. When the same was questioned by the



defacto complainant, the accused persons abused him with dire consequences.

3. The learned counsel for the petitioners would submit that the petitioners are A1 and A3 and they are none other than the father and son. The patta issued to the defacto complainant, is a genuine one. In fact, in respect of the house plot Nos.77, 78, 79, 85 and also 91, 92, 95 are genuine one, as per the memorandum issued by the Special Tahsildar, Adidraavidar Welfare Unit-I, Madurai, dated 29.11.2019. Therefore, custodial interrogation of the petitioners does not require and hence, prayed for grant of anticipatory bail.

4. The learned Government Advocate (criminal side) for the respondent would submit that totally there are six accused, in which, the petitioners are arrayed as A1 and A3. The petitioners received a sum of Rs.1,40,000/- from the defacto complainant and issued a fake and fabricated patta in favour of the defacto complainant, later, it was found that the patta is a fabricated one and not issued by the Special Tahsildar. Therefore, they have committed very serious offence as against the Society and not only fabricated patta and also fabricated the seal of the Tahsildar issued to the defacto complainant. Therefore, the custodial interrogation of the petitioners is very much necessary and prayed for dismissal of the petition.

5.It is seen that there are six accused, in which, the petitioners are arrayed as A1 and A3. The first accused received a sum of Rs.1,40,000/- from the defacto complainant and fabricated patta and forgery signature of the Tahsildar and issued the same to the defacto complainant. Later, the defacto complainant found that the patta issued to the defacto complainant is a fabricated one and signed forgery signature of the Tahsildar, and the petitioners have committed very serious offence as against the Society.

6.Considering the above facts and circumstances of the case and also considering the fact that they have committed very serious offence as against the Society and not only fabricated patta and also fabricated the seal of the Tahsildar and hence, custodial interrogation of the petitioners is very much necessary in this case and hence, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Hence, this criminal original Petition is dismissed.

sd/-
02/12/2020

/ TRUE COPY /

/ /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,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13772 of 2020
Date :02/12/2020

Ls
AE/AKM/SAR-III (11.12.2020) 3P / 3C