

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2086 of 2021

& CRL.MP.No.2006 of 2021

LOGANATHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.
CRIME NO.11 OF 2020

[RESPONDENT]

For Petitioner : M/S.M.UMA SHANKAR Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

For Intervener : M/S. M.PALANIVEL Advocate [IN CRL.MP.NO.2006/2021]

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

ORDER : The Court Made the following order :-

The petitioner is A2. Apprehending arrest at the hands of the respondent police in connection with a case registered in Crime No.11 of 2020 for the alleged offence under Sections 419, 465, 468, 471 and 420 r/w Section 34 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the land in Survey No.160/3 belongs to the defacto complainant. A1 in this case impersonated himself as the father of the defacto complainant and with the help of A3 and A4 created forged documents and sold the same in favour of the petitioner/A2 and other accused A5 and A6 attested the said document. Hence, based on the complainant given by the defacto complainant case has been registered against the accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner was only a bonafied purchaser of the property and he was not aware of the defacto complainant or A1. The petitioner purchased the property for a valuable consideration and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor strongly opposed the granting of anticipatory bail to the petitioner. He submitted that the petitioner's father one Krishnasamy, who has been arrayed as A3 is the main man, he created all the documents and helped A1 in selling the property to the petitioner/A2. Now that the petitioner cannot plead innocence. All the six accused has conspired together to grab the property belonging to the defacto complainant. He further submitted that investigation is still pending.

5. Hear both sides.

6. Considering the fact that A3 being the father of the petitioner/A2, helped A1 in impersonating as the father of the defacto complainant and sold the property to his son A2. A3 created all the documents with the help of A1. Now the petitioner/A2 cannot claim that he is a bonafide purchaser, in fact he is a party to the crime. The other accused are still absconding and investigation is yet to be completed. Therefore, considering the gravity of the offence and the seriousness of the allegations made against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

7. This Criminal Original Petition stands dismissed accordingly. Consequently, the connected miscellaneous petition is closed.

-sd/-

18/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.ASRAUL HAQ Advocate on payment of necessary charges
SR.No.3668

CRL OP.2086/2021
& CRL.MP.2006/2021

Date :18/03/2021

cs 07/04/2021