

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2849 of 2021

1 H.PUVANESWARI
2 H.RAJEETHIRA
3 H.RESHMA

[PETITIONERS / ACCUSED]

Vs

1 THE COMMISSIONER OF POLICE,
THE COMMISSIONER OF POLICE,
O/O.COMMISSIONER OF POLICE,
ANTI-LAND GRABBING CELL,
VEPERY, CHENNAI-07.

[RESPONDENTS]

2 STATE BY,
THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING CEL
CHENNAI.
ON THE FILE OF CRIME NO.128/2019

For Petitioner : M/S.R.NASRINE Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471 and read with section 34 of IPC, in Crime No.128 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the property was owned by one Fazal Haq and settled the same to his wife H.Puvaneswari @ Razeena Haq, in and by a settlement deed dated 31.08.2005 on the file of the Sub-Registrar, Triplicane. Thereafter, the said H.Puvaneswari @ Rezeena/1st petitioner sold the property in favour of one R.Devan. Further, the said R.Devan entered into an agreement with Mr.Gnamam father of the defacto complainant to sell the aforesaid property and after discharge of all mortgages, the said R.Devan sold and conveyed the property to E.Gnamam father of the defacto complainant, in and by

a sale deed dated 24.04.2009 registered as Document No.440 of 2009. Thereafter, the defacto complainant's father settled the property in favour the petitioner by a settlement deed dated 22.05.2009 registered as Document No.524 of 2006. In the mean while, the said Fazal Haq cancelled the settlement deed, which was declared as null and void by the learned XI Assistant City Civil Judge, Chennai in O.S.No.3705 of 2009, and O.S.No.392 of 2011 and the same was decreed and declared the settlement deed between the said Fazal Haq and Ramar as null and void. Thereafter, the said Fazal Haq illegally executed a settlement deed dated 25.08.2010 in favour of his wife H.Puvaneswari/1st petitioner. Hence, the defacto complainant has given a complaint before the law enforcing agency against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the petitioners have cheated the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that it is a case of cheating and the petitioner made encumbrance after the suit was decreed, the petitioners have involved in serious offence, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-
07/04/2021

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 COMMISSIONER OF POLICE,
THE COMMISSIONER OF POLICE,
O/O.COMMISSIONER OF POLICE,
ANTI-LAND GRABBING CELL,
VEPERY, CHENNAI-07.

2 THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING CEL
CHENNAI.

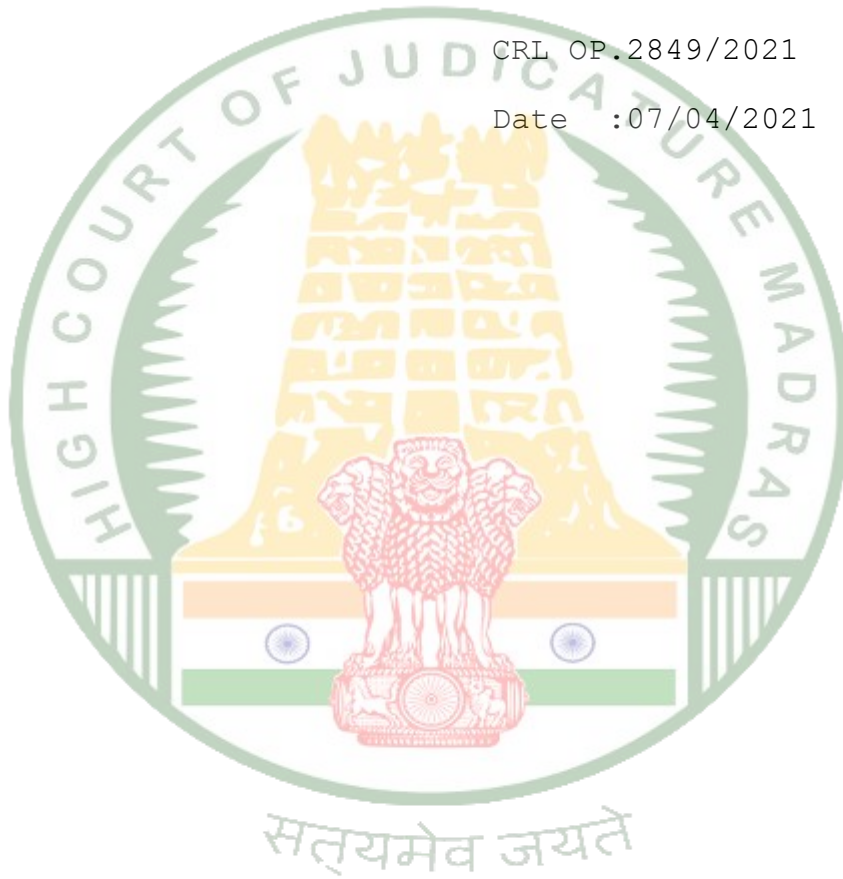
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.NASRINE Advocate on payment of necessary charges

CRL OP.2849/2021

Date :07/04/2021

cs 24/05/2021



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