

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 7156 of 2021

Vasantha Kumar

... Petitioner

-VS-

State Rep. by
The Inspector of Police,
Central Crime Branch - II,
Chennai.
(Crime No. 158 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioner on bail in the event of his arrest in Cr. No. 158 of 2019 pending on the file of the Respondent.

For Petitioner : Mr. T.Dhamodharan

For Respondent : Ms. P.Kritika Kamal,
Government Advocate (Criminal Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who apprehends arrest at the hands of the Respondent Police for the offences punishable under Sections 34, 419, 465, 467, 468 and 471 of the Indian Penal Code, 1860, in Crime No. 158 of 2019 on the file of the Respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the De-facto Complainant, viz., Devika, is that two properties in Plot Nos. 44 and 44A in Perumal Nagar Layout in Puthagaram Village, Ambattur Taluk were purchased by her husband. Later, the husband of the De-facto Complainant, viz., Venugopal, went missing from 2003. Since, he was not to be found, the De-facto Complainant and her children had moved the Civil Court in O.S. No. 5651 of 2012 and obtained an order of declaration that the said Venugopal is civilly dead following which, they also obtained a Death Certificate. Thereafter, on 16.10.2018, both the children of the De-facto Complainant relinquished their right in the properties and settled the same in favour of the De-facto Complainant. While so, shortly prior to 12.06.2018, A2 and A3 in collusion with the other accused by fabrication of documents, forgery and impersonation had obtained a sale deed in their favour as if, it was the said Venugopal sold the properties to them. A1 had impersonated as Venugopal and sold the properties to A2 and A3 and, A4 and A5 are the brokers who had arranged the impersonator and registered the sale deed with the help of the SRO and hence, the complaint.

3. 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 the Petitioner is a land broker and that he was approached by one Inba

Mathivathanan and that the said Inba Mathivathanan has sold the properties to one Vijayakumar and his wife and the Petitioner only stood as a witness to the document and he has been unnecessarily implicated in this case. He would further submit that A2, viz., Vijayakumar, who is the purchaser of the properties, has been arrested and thereafter, he has also cancelled the sale deed pursuant to which, he has been granted bail by this Court by order dated 19.03.2020 in Crl. O.P. No. 3271 of 2020. Hence, he would seek for anticipatory bail.

4. The Learned Government Advocate (Criminal Side) appearing for the Respondent would vehemently oppose stating that the Petitioner is the main culprit in this case. She would further submit that the Petitioner along with one Inba Mathivathanan finding that the original owner of the properties Venugopal is dead, set up an impersonator as Venugopal and sold the properties to one Vijayakumar and his wife. The said Vijayakumar was arrested and he had given a confession statement stating that the Petitioner is the person who had introduced the said Inba Mathivathanan and the impersonator to him. She would further submit that though the sale deed has been cancelled now, the Petitioner is the main accused who has fabricated the documents relating to the said Venugopal based on which, they have set up an impersonator as Venugopal and created the sale deed. She would further submit that only the Petitioner would be able to

identify and give details about the impersonator, who had impersonated the original owner, and thereby, the custodial interrogation of the Petitioner is very much required.

5. Heard the Learned Counsels.

6. It is the case of the prosecution that the Petitioner is the main culprit who had negotiated the deal and arranged A1 to impersonate as Venugopal, the owner of the properties. The Petitioner is the person who would be able to give information and details about A1 the impersonator.

7. Taking into consideration the facts and circumstances and that the custodial interrogation of the Petitioner is very much required, this Court is not inclined to grant anticipatory bail to the Petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

19.04.2021

vjt

Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
Central Crime Branch - II,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

vjt



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