



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17404 of 2021

W.CHARLES KAMALESAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CCB-1, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.
(CR NO.67 OF 2021)

[RESPONDENT]

For Petitioner : M/S.JOHNSATHIYAN FOR M/S.A.KALAIIVANAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offences under Sections 465, 467, 468, 471 read with Section 34 of IPC in Crime No.67 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The caste of the prosecution is that the defacto complainant and her daughters allegedly had purchased the property bearing Plot Nos.1019, 1021 and 1023 situated in VIII Main Road, Ram Nagar, Madipakkam from one Thiru. V.T.Panchapakesan and they are owners of the subject property from the date of purchasing the same.

3. While so, one, Charles has tried to encroach the property, for which he created forged documents. Based on the complaint lodged by the defacto complainant, the Law Enforcing Agency registered a case against the petitioner.

4. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and earlier, the petitioner has filed an anticipatory bail petition before this Court in Crl.O.P. No.7076 of 2021. This Court, by its order dated 19.04.2021, dismissed the anticipatory bail



petition. Thereafter, the petitioner was arrested by the respondent police and remanded to judicial custody. Hence, the petitioner filed the present bail petition. In fact, the petitioner's mother, Julia had purchased a plot No.1023 in document No.2285 of 1962 dated 03.10.1962 from one K.P.Gopinathan and thereafter, she settled the property in favour of her son viz, petitioner in the year 2019. After that, the petitioner is continuously in enjoyment of the property without any hindrance.

5. Without considering the fact that survey number, extent and boundaries of the properties as claimed by the defacto complainant are totally different, the law enforcing agency filed a false case against the petitioner. Hence, the learned counsel prays bail to the petitioner.

6. Learned Government Advocate submitted that the document bearing registration No.2285 of 1962 dated 03.10.1962 in respect of plot No.1023 as referred by the petitioner is a forged one, which relates to plot No.1037 having an extent of 4800 sq.ft. comprised in S. No. 119/2 executed between K.P.Gopinathan and Janakiammal. However, the present case is in respect of Plot No. 1023 purchased by daughter of the defacto complainant viz., Srividhya from Thiru. R.Mohan and Thiru. R.K.Moorthy, through their General Power Agent, viz., Eby Thomas, vide document No.140/1995 dated 03.05.1995.

7. Heard the learned counsel appearing for the petitioner as well as the respondents 1 & 2 and perused the materials available on record.

8. The original owner is Thiru. K.G.Gopinathan, who executed a sale deed in favour of one Madhurambal, W/o.Ramamoorthy, vide document No.127 of 2016 before the SRO, Pallavaram dated 28.01.1963. The said Madhurambal passed away on 26.09.1984. Thereafter, legal heirs of the said Madhurambal executed a power of attorney in favour of Eby Thomas vide document No.140/1995 dated 03.05.1995. The General Power Agent Eby Thomas executed a sale deed in favour of the daughter of the defacto complainant vide document No.2015/1995 dated 07.09.1995. Therefore, the document referred by the petitioner is a forged one and there is no such document as referred by the petitioner available in the year 1962 at SRO, Pallavaram. Therefore, Learned Government Advocate vehemently opposed to grant bail to the petitioner.

9. This Court perused the (certified copy) original document produced by the respondent police obtained from the office of the Sub Registrar, Pallavaram, dated 31.10.1962. However, both documents are compared.

10. On a careful perusal of the documents produced, the petitioner has produced the document No.2285 in respect of Survey No.115 and Plot No.1023. The respondent police also produced the document No.2285 in respect of in Survey No.119/2, Plot No.1037, which was obtained from the Registration Department.



11. Considering the facts and circumstances of the case, this Court easily arrived at a conclusion that the document produced by the petitioner vide document No. 2285 of 1962 in respect of plot No.1023 is forged one.

12. In view of the above discussion, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

23/09/2021

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,
CCB-1, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI.

2 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB REGISTRAR,
PALLAVARAM.

+1CC to M/S.A.KALAIIVANAN Advocate on payment of necessary
charges SR.NO.10567

CRL OP.17404/2021

Date :23/09/2021

CSK 11/10/2021