



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24330 of 2021

1 PARIMALA

[PETITIONERS / ACCUSED]

2 A.PRABU

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
TIRUVALLUR,
TIRUVALLUR DISTRICT.
(CR.NO. 58 OF 2021)

[RESPONDENT]

For Petitioner : M/S. B.GANDHI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences under Sections 417, 420, 465, 468, 471 IPC in Crime No.58 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused had fraudulently obtained Patta for the property belongs to the defacto complainant and a settlement deed registered in favour of A2 by A1. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioner by way of enjoyment were enjoying the property in Survey No.335/1 in Sendrayanpalayam Village, Tiruvallur Taluk and District and based on the enjoyment, Patta was granted to them and subsequently, A1 executed a settlement deed infavour of A2 who is his son. Thereafter, A2 was in the enjoyment of the property from the year 2018 and that a false case has been foisted against the petitioner. Hence, he would pray for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the property in the Survey No.335/1 originally belongs to the defacto complainant and he had purchased the same by way sale deed dated 12.06.2001 for which, he also produced encumbrance certificate and that the accused had fraudulently obtained Patta for the property belongs to the defacto complainant and a settlement deed was registered in favour of A2 by A1.

5. A perusal of the encumbrance certificate reveals that in the year 2018 there is a settlement deed in favour of A2 by A1 without any reference about the parental document. But, as per the encumbrance certificate, the said property stands in the name of the defacto complainant.

6. Hence, on seeing the nature of allegation in the FIR and the fact that the investigation has not been completed, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

17/12/2021

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 (DCB),
TIRUVALLUR ,
TIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.GANDHI Advocate on payment of necessary charges

CRL OP.24330/2021

Date :17/12/2021

CSK 22/12/2021