



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24719 of 2021

1 K.JAGANATHAN
2 J.VIJAYALAKSHMI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH-I,
VEPERY, CHENNAI
CRIME NO.88 OF 2021

[RESPONDENT]

For Petitioners : M/S.D.RAGHU Advocate

For Respondent : MR.A.GOKULAKRISHNAN, 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 for the alleged offence under Sections 465, 467, 468, 420, 120(B) of IPC in Cr.No.88 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one (Late) Mr.Kannapa Naicker, who is the father of the petitioner arrayed as A1 converted house site plots named Kannappa Nagar, Plot No-17 which is an extent of 513 sq.ft and executed a sale deed of Doc. No.1225 of 1990 dated 22.03.1990 in favour of one Padmini Menon, who is the mother of the defacto complainant before the SRO, Virugambakkam and A1 has also alleged to have sold the very same property to his own son/1st petitioner. When the same was known to the defacto complainant, she lodged a complaint against the petitioners.



3.The learned counsel appearing for the petitioner submitted that he has not committed any offence as alleged by the prosecution. He further submitted that one (Late) Mr.Kannapa Naicker, who is the father of the petitioner has executed a sale deed Doc.No.3177 of 1995 dated 23.08.1995 in favour of the 1st petitioner before the SRO, Virugambakkam and thereafter, the 1st petitioner executed a settlement deed Doc.No.7861 of 2011 dated 29.12.2011 in favour of his wife/2nd petitioner before the SRO, Virugambakkam. The defacto complainant has lodged a false complaint as if she has purchased the said property from petitioner's father. Hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that in the year 1990, the father of the 1st petitioner has sold the said property to the defacto complainant's mother one Padmini Menon and subsequently another sale deed has been executed in favour of the 1st petitioner in the year 1995. Later, the legal heirs of the said Padmini Menon came to know that in order to grab the property, the 1st petitioner has created a fabricated document as if he is the original owner of the said property. He further submitted that the investigation is in initial stage. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. On perusal of the records, it is evident that the property stands in the name of the defacto complainant in the year 1990 thereafter, the vendor sold the said property to the 1st petitioner and considering that the investigation is in initial stage, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition seeking anticipatory bail is dismissed.

-sd/-
22/12/2021

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,
CITY CRIME BRANCH-I,
VEPERY, CHENNAI



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.RAGHU Advocate on payment of necessary charges
SR.NO.15404

CRL OP.24719/2021

Date :22/12/2021

JPA 05/01/2022