



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Sixteenth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.26633 of 2018

1 SUBBAIAH [PETITIONERS / ACCUSED]
2 ARUL
3 S.MARIMUTHU
4 SUDAR

Vs

STATE REP BY [RESPONDENT]
SUB-INSPECTOR OF POLICE,
CCB-II, EGMORE,
CHENNAI.
(CRIME NO.194/2018)

For Petitioner : M.P.JOHN PETER Advocate

For Respondent : Mr.A.Gopinath Government Advocate (Crl. Side)

For Intervenor : M/S R.GANESH KUMAR Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 419, 465, 467 and 468 r/w 120(B) of I.P.C in Crime No.194 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an employee of AIR Indian Company and he had purchased the property from one Vijayalakshmi vide registered sale deed dated 03.03.1993 and he was in possession and enjoyment of the property. While so the petitioners along with some rowdy elements with an intention to grab the property created some forged documents and trespassed into the defacto complainant's land and demolished the name board. Hence the complaint.



3. The learned counsel appearing for the petitioner would submit that one Smt. Magila Ammal executed a General Power of attorney to one D.K.Lopes dated 22.02.1993 registered as document number 87/1993 on the file of SRO, Pallavaram. Based on the said power of attorney executed to D.K.Lopes, he sold the property to the petitioner, who in turn purchased the property by virtue of the sale deed dated 09.06.1997 for a valuable sale consideration of Rs.3,05,000/-. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate submits that the petitioners created some forged documents and encroached upon the property belonging to the defacto complainant and investigation is going on. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the defacto complainant submits that since the land is vacant for almost two decades, the petitioners muted the revenue records and created forged documents and attempted to encroach the property belonging to the defacto complainant. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

7. In view of the submissions made by both the parties it seems that it is case of cheating and creation of forged documents, in such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly this criminal original petition is dismissed.

-sd/-

16/07/2021

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 SUB INSPECTOR OF POLICE
CCB-II, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

WEB COPY

CC to M.P.JOHN PETER Advocate on payment of necessary charges

CRL OP.26633/2018

Date :16/07/2021

RVR 02/08/2021