



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated : 14.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP(MD). Nos.6898, 6941 of 2021

Santhanapandian ... Petitioner in Cr1.OP.6898/21

Manavalan ... Petitioner in Cr1.OP.6941/21

Vs

The Inspector of Police,
District Crime Branch, Theni.
Crime No.9 of 2021 ... Respondent in both petitions

A.Chandrasekar ... Petitioner/Intervener
in CRL MP(MD).3823 of 2021
in CRL OP(MD).6898 of 2021

For Petitioner : Mr.S.Muniyandi
in Cr1.OP.6898/21

For Petitioner : Mr.S.Palani Velayutham
in Cr1.OP.6941/21

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Cr1.Side)

For Intervenor : Mr.M.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates

PETITIONS FOR ANTICIPATOY BAIL Under Sec.438 of Cr.P.C.

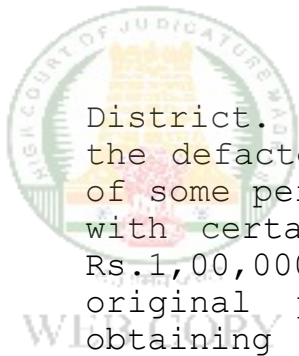
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offence punishable under Sections 465, 468, 471 IPC in Crime No.9 of 2021, have filed these petitions for anticipatory bail.

2. The defacto complainant is the Managing Director of ACV Products Private Limited, Vadupudupatti, Theni District and the company is having a landed property at Sasnkarapuram Village, Theni

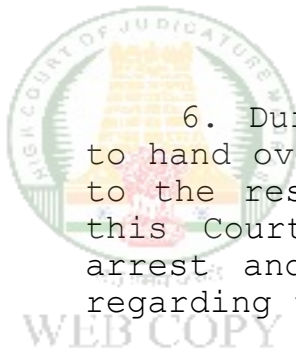


District. In the month of April, 2020, the first accused approached the defacto complainant for purchase of the said property on behalf of some persons from Kerala. A memorandum for sale was also executed with certain conditions. The first petitioner has paid a sum of Rs.1,00,000/- to the defacto complainant as advance and obtained the original property documents from the defacto complainant for obtaining legal opinion and encumbrance. After three months, the first accused has informed the defacto complainant that the purchasers are not inclined to proceed with the purchase and also asked for refund of the advance amount. The defacto complainant has also repaid the advance amount on 29.07.2020.

3. Thereafter, on 11.02.2021, the first accused came to the defacto complainant's mill and informed that the defacto complainant received a sum of Rs.1,50,00,000/- from him, through one Manavalan, Tahsildar of Anaimalaiyanpatti / second accused for the sale of the above said property. The defacto complainant has not received any amount from anybody and further informed that they are not interested to sell the property. While so, on 09.03.2021, a complaint was lodged by the first petitioner as against the defacto complainant that the defacto complainant failed to execute the sale deed, after receiving a sum of Rs.2 Crore from them, pursuant to an agreement dated 11.02.2021. They have also issued a legal notice. The defacto complainant found that taking advantage of the documents obtained from him, the petitioners have created fabricated sale agreements dated 11.02.2020 and 11.02.2021 in respect of his property and impersonated his signatures. Hence, he preferred the present complaint.

4. Learned Counsel for the first accused submitted that the first accused handed over a sum of Rs.1,50,00,000/- to the second accused, who is working as Tahsildar, to be given to the defacto complainant for the sale of the property. The defacto complainant has also admitted the receipt of the money. Therefore, there is no fabrication of documents as alleged in the complaint. In fact, the documents were handed over to him by the second accused. He further submitted that the first accused has lodged a separate complaint as against the second accused and the defacto complainant before the respondent police. Since they have failed to take appropriate action, he filed a writ petition before this Court in W.P.(MD) No.7678 of 2021 to register the case against the second accused and the defacto complainant.

5. Learned Counsel for the second accused submitted that the second accused is working as Tahsildar and he neither is the owner of the property nor is the person who intends to purchase the property. However, he has been wrongly implicated in the dispute pending between the first accused and the defacto complainant. Since he happens to be a Government Servant, he has been roped-in as an accused.



6. During the course of hearing, the first accused has agreed to hand over the two sale agreements dated 11.02.2020 and 11.02.2021 to the respondent police at the time of enquiry. On that pretext, this Court considered the matter, granted interim protection of arrest and directed the respondent police to get expert opinion regarding the signatures found in those documents.

7. It is now reported by the learned Government Advocate (Crl. Side) that they have received the report from the Regional Forensic Science Laboratory, Madurai, that the signatures did not match. The relevant portion from the report reads as follows:

"The person who wrote the red enclosed signatures stamped and marked A1 to A10, A11 (Xerox), A12 (Xerox) and S1 to S22 **did not write** the red enclosed signatures similarly stamped and marked Q1 to Q10."

Therefore, the learned Government Advocate (Crl. Side) prayed for dismissal of these petitions.

8. Since a *prima facie* case has been made out that the two sale agreements are fabricated, this Court is not inclined to grant any relief to the first accused. The second accused, who happens to be a Tahsildar, appears to have acted as a tout and there are specific overt acts available as against him, as such, this Court is not inclined to grant relief to the second accused.

In fine, both the criminal original petitions stand dismissed.

sd/-
14/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk
To

1.The Inspector of Police,
District Crime Branch, Theni.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-6250[I] dated 15/09/2021)

ORDER IN
CRL OP(MD) Nos.6898, 6941 of 2021
Date : 14.09.2021

TR/SKN/SAR-I(17.09.2021) 3P 4C

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