



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

Date : 01.10.2021

PRESENT

The Hon'ble Mr. Justice B. PUGALENDHI

CRL OP (MD) No.14096 of 2021

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J.V.Ashokan @ Ashok

... Petitioner/Accused No.1

Vs

The State represented through
the Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
(Crime No.206 of 2021)

... Respondent /Complainant

For Petitioner : Mr.Sam Eugene Jebakumar.M

For Respondent : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.206 of 2021 on the file
of the respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest for the offence under
Section 441, 147, 294(b), 506(ii) IPC in Crime No.206 of 2021 on the
file of the respondent Police seeks anticipatory bail.

2.The prosecution case is that the power agent of one
Malarvizhi Madhana lodged a complaint before the respondent Police
that with regard to her property the accused created fictitious
person, entered into agreement for sale without any right, filed a
suit for specific performance, obtained a collusive decree and with
that decree passed by the Court, the property of the said Malarvizhi
Madhana has been illegally transferred to the accused.
The accused have created subsequent story, as if they received
threat, obtained an order for police protection by suppressing the
material facts before the Court. On coming to know about this fraud,
the defacto complainant has filed a suit for declaration, declaring
the sale as null and void and lodged the present complaint as
against the petitioner. In the strength of the Court order, the
accused have attempted to dispossess the defacto complainant.

<https://hcservices.ecourts.gov.in/hcservices>
3.The learned Counsel for the petitioner submitted that this
petitioner is no way connected with the offence. It is the dispute
between one Devaraj (A2) and the defacto complainant and this



petitioner has been roped in as accused that some of the accused by using his name threatened the defacto complainant.

4. According to the learned Counsel for the petitioner, the petitioner was not at all present in the place of occurrence and he has no role to play in the creation of previous documents, however, the respondents have shown him as accused and registered the case.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is the main accused and in order to grab the property of the defacto complainant worth about 60 lakh, the accused have created fictitious person, entered into sale agreement, filed a suit for specific performance, obtained a collusive decree and also created further documents. The other accused attempted to dispossess the defacto complainant from the disputed place and they have used the petitioner's name to intimidate the defacto complainant. He further submits that this petitioner is a notorious criminal in Tuticorin district, having several criminal cases to his credit, out of which, four cases are registered for the offence under Section 302 IPC.

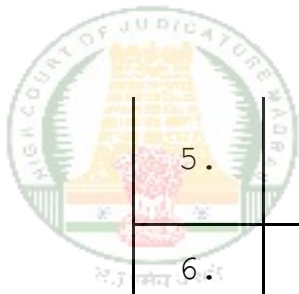
6. However, the learned Counsel for the petitioner submitted that though several cases were registered against the petitioner, they ended in acquittal and only four cases are pending against the petitioner now.

7. This Court paid its anxious consideration to the rival submissions.

8. The accused in order to grab the property of the defacto complainant has filed a suit through fictitious person, obtained collusive decree from the Court, filed a subsequent application for police protection and also obtained an order from this Court for police protection.

9. The preliminary investigation reveals that records have been created to grab the property of the defacto complainant. The investigation is at crucial stage. Apart from this case, the petitioner has also involved in the following cases.

S1. No.	Details	Sections of Law
1.	Crime No.111 of 1989 Central Police Station	147, 148, 341 and 302 IPC
2.	Crime No.308 of 1990 North Police Station	341, 323 and 506 (ii) IPC
3.	Crime No.557 of 1992 North Police Station	448 and 506(ii) IPC
4.	Crime No.561 of 2019 North Police Station	147, 148, 307, 307, 427, 384 and 506(ii) IPC



5.	Crime No.245 of 1993 Muthiahpuram Police Station	307, 394 and 397 IPC
6.	Crime No.627 of 1993 North Police Station	147, 148, 364 and 302 IPC
7.	Crime No.14 of 1999 North Police Station	147, 148, 341, 302, 307 IPC
8.	Crime No.15 of 1999 North Police Station	147,148 IPC
9.	Crime No.102 of 2021 North Police Station	341,427,506(ii) IPC
10.	Crime No.378 of 2001 Central Police Station	147, 148, 341,302, 506(ii) and 120(b) IPC
11.	Crime No.20 of 2003 Central Police Station	384 and 506(ii) IPC
12.	Crime No.232 of 2003 North Police Station	384 and 506(ii) IPC
13.	Crime No.220 of 2007 Pudukottai Police Station	147, 148 and 307 IPC
14.	Crime No.117 of 2012 Central Police Station	107 IPC
15.	Crime No.295 of 2011 North Police Station	302, 120(b), 294(b), 392, 506(ii) IPC
16.	Crime No.59 of 2012 North Police Station	341, 294(b), 387, 506(ii) IPC
17.	Crime No.1066 of 2015 South Police Station	341, 332, 294(b), 307, 506 (ii) IPC
18.	Crime No.1048 of 2016 South Police Station	147, 148, 294(b), 364, 395, 506(ii)
19.	LIR. 34 of 2021 South Police Station	107 CrPC
20.	LIR No.49 of 2021 North Police Station	107 CrpC
21.	Crime No.248 of 2021 Pudukottai	448, 147, 148, 294(b), 323, 324, 427, 560(ii), 379 IPC

10.Though the learned Counsel for the petitioner submits that most of the cases registered against the petitioner ended in acquittal, it is obvious nobody will be dare enough to depose against a person like petitioner. He is an accused for the offence under Section 302 IPC in four cases.

<https://hcservices.ecourts.gov.in/hcservices/>

11.The accused making the Court as a party to the fraud committed by them, committed grave offence. Therefore, it is the



responsibility of the State to find out the truth and take appropriate action as against those accused, who have involved in the offence. The case is under investigation and therefore, the investigation shall be monitored by an officer not below the rank of the Deputy Superintendent of Police.

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12. Considering the manner in which, the offence has been committed, making the Court as party to the fraud, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

13. In view of the foregoing discussion, this criminal original petition stands dismissed.

14. It is reported before this Court that this petitioner had involved in the offence under Section 302 IPC, in four cases and all these four cases ended in acquittal. Of course, nobody would be dare enough to depose against such a person. Therefore, the Superintendent of Police, Tuticorin shall look into those cases and find out, as to whether the witnesses in those four cases had been intimidated and dissuaded by the accused at any point of time. Further, the Superintendent of Police, Tuticorin shall order for necessary protection to the witnesses in the pending cases against the petitioner.

sd/-
01/10/2021

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

dsk

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



COPY TO

1. THE SUPERINTENDENT OF POLICE,
TUTICORIN.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
TUTICORIN.

ORDER IN
CRL OP (MD) No.14096 of 2021
Date :01/10/2021

SB/JC/SAR-I/06.10.2021/5P/5C