



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

Date : 28/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.15169 of 2020

V.Jeyakumar ... Petitioner/Accused No.1

Vs

The Inspector of Police,
District Crime Branch,
Dindigul.
Crime No.14/2020.

... Respondent/Complainant

V.Balakrishnan ... Petitioner/ Intervener/
Defacto Complainant
IN CRL MP(MD)No.40 of 2021
IN CRL OP(MD)No.15169 of 2020

For Petitioner : Mr.C.M.Arumugam, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For Intervener : Mr.V.Baskaran, Advocate

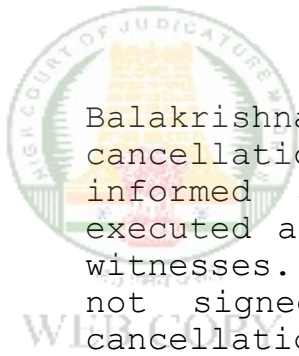
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.14/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 467, 468, 471 and 474 IPC in Crime No.14 of 2020, seeks anticipatory bail.

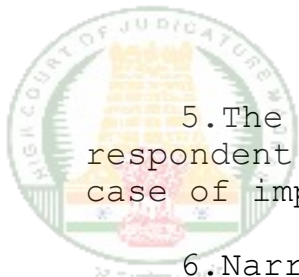
2.The case of the prosecution is that the defacto complainant's father Vallakondan had executed gift settlement deed in favour of the defacto complainant on 04.10.2013 in respect of plot No.10 to the extent of 1472 sq.ft and plot No.11 to the extent of 1562 ¼ sq.ft in Adiyanoothu Village in survey No.816/1B1. The settlement deed was registered as document No.4831/2013 by the Nagalnayakkanpatty Sub Registrar Office. On 28.03.2016, without knowledge of the defacto complainant, settlement deed executed in favour of the defacto complainant was cancelled illegally. One



Balakrishnan and Jeyakumar shown to have attested in the cancellation deed as a witnesses. The defacto complainant was not informed about this cancellation deed. Cancellation deed was executed as if the defacto complainant Balakrishnan was one of the witnesses. It is clear case of forgery. The defacto complainant has not signed in this cancellation deed. The signature in the cancellation deed is not that of his signature. This cancellation deed was written by one Kannan. A1 and A4 had signed in this document as witnesses for identification identifying the parties to the documents. Then, Vallakondan had executed settlement deed in favour of A1 in respect of this property on 19.04.2018. The defacto complainant is not aware of this document also. In this document the defacto complainant's name is written and it was made to appear that the defacto complainant has affixed his thump impression as a witness to this document. Another witness is one Mariyappan. In both documents, the defacto complainant has been impersonated by some one and in the first document, his signature was forged and in the second document, some one has made thump impression as if he affixed the same. These documents have been created only with a view to benefit A1. A3 and A5 had signed in the document dated 19.04.2018. Thus, it is clear that A1 with the help of other accused had created cancellation settlement deed dated 28.03.2016 and settlement deed dated 19.04.2018 by impersonating the defacto complainant. The Registration Officials also in connivance with other accused. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that A1's father only executed settlement deed in his favour. It is his further submission that it is seen from the proceedings of the District Registrar in Na.Ka.No.5513/Aa.3/2019, dated 05.06.2020, that the attesting witnesses had not signed in the Registration Office, therefore, they are not in a position to ascertain as to whether the signature of attester is true or not. It shows that there is no impersonation as alleged by the defacto complainant. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned counsel for the intervenor submitted that his father had executed settlement deed in his favour. Settlement deed was unilaterally cancelled. Only at the behest of A1, settlement deed was cancelled by a document dated 28.03.2016 after cancelling the deed, again settlement deed dated 19.04.2018 was executed in favour of A1. Main issue involved in this case is that the defacto complainant was not aware of these documents. It shows, document has been executed as if he consented these documents. He is shown as one of the attesting witnesses in the cancellation deed dated 28.03.2016 by someone impersonating him. In the gift deed dated 19.04.2018 some one has affixed thumb impression by impersonating the defacto complainant. Therefore, he seeks dismissal of this petition.



5.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that it is a case of impersonation and cheating.

6.Narration of facts show that the defacto complainant and A1 are brothers. Their father Vallakondan had executed settlement deed in favour of the defacto complainant in respect of his properties. Again he had unilaterally cancelled the gift deed on 28.03.2016 and executed gift settlement deed on 19.04.2018 in favour of A1. The issue is once gift settlement deed is executed, it cannot be cancelled. Next issue is the contention of the learned counsel for the defacto complainant that he had not signed in both these documents and some one impersonated him and made signature in the cancellation deed dated 28.03.2016 and affixed thumb impression in the gift deed dated 19.04.2018.

7.The defacto complainant is a Diploma holder in Mechanical Engineer. Therefore, there is no need for him to affix thumb impression in a document. It prima facie shows that some one else made thumb impression in the deed dated 19.04.2018, which was executed in favour of A1. It is prima facie case to conclude that some one impersonated the defacto complainant while canceling the deed dated 28.03.2016 and executing gift deed dated 19.04.2018. The beneficiary to these documents is A1. Therefore, his role in this case cannot be ruled out.

8.Considering the nature and seriousness of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
28/07/2021

/ TRUE COPY /

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

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,
DISTRICT CRIME BRANCH,
DINDIGUL.

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



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC TO Mr.C.M.Arumugam, Advocate, SR NO.24271

+1 CC to M/S.V.BASKARAN, Advocate (SR-4976[I] dated 30/07/2021)

WEB COPY

ORDER

IN

CRL OP(MD) No.15169 of 2020

Date :28/07/2021

GNS

MS/JM/SAR-3/02.08.2021/4P.5C