



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

Date : 28.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.16451 of 2021

WEB COPY

1.Ranjith Kumar
2.Balakrishnan
3.Nagarajan

... Petitioners/Accused Nos.3,5 & 6

Vs

State Represented by
The Inspector of Police,
District Crime Branch,
Tiruchirappalli.
(Crime No.20 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Vinayak, Advocate
For Respondent : Mr.Antony S.Prabhakar
Additional Public Prosecutor

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

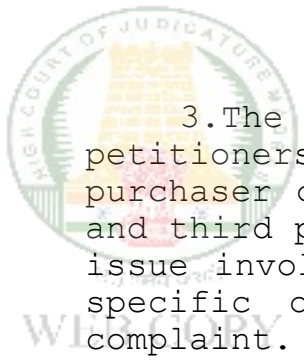
PRAYER :-

For Anticipatory Bail in Crime No.20 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners apprehending arrest for the offence punishable under Sections 419, 420, 423, 465, 467, 468 and 471 IPC in Crime No.20 of 2021 on the file of the respondent Police seek anticipatory bail.

2.The prosecution case is that the defacto complainant's father K.Kannan purchased the plot Nos. 226 and 227 comprised in Survey No.37/1 in Mekkudi Village, Tiruchirappalli District on 10.12.1986 and her father died on 07.07.2013. At present she is under the care of her uncle name K.Thangaraj. While so the first accused Kannan had created a general power of attorney by taking advantage of name similarity of her father's name and on the basis of the forged general of power of attorney, the first and second accused executed a sale deed in document No.2171 of 2019, dated 31.05.2019 in favour of the first petitioner herein and the second and third petitioners are the attestors to the sale deed dated 31.05.2019. The fourth accused Dr.Elango has given a life certificate, as if the defacto complainant's father is alive.



3.The learned Counsel for the petitioners submitted that the petitioners are innocent and the first petitioner is the bonafide purchaser of the property from first and second accused. The second and third petitioners herein are only attestors to the sale deed. The issue involved in this case is purely civil in nature. There is no specific overt act attributed against these petitioners in the complaint.

3.The learned Additional Public Prosecutor appearing for the respondent submitted the defacto complainant is a physically challenged girl and she has inherited the property of her father. Her father died on 07.07.2013. Taking advantage of the position of the defacto complainant, the accused persons created general power of attorney and based on the same, they have created sale deed and accused Nos.5 and 6 stood as attestors to the sale deed and accused No.4, who is a Doctor has given life certificate.

4.Heard the learned Counsel on either side and perused the materials placed on record.

5.It is seen that the defacto complainant is a physically challenged person and he is under the care of her uncle. Taking advantage of her position, the accused have created forged documents and grabbed her property. Considering the manner in which, the offence has been committed this Court is not inclined to grant anticipatory bail to the petitioner. However, this Court suggested the learned Counsel to cancel the alleged sale deed, the learned Counsel seeks time till 09.11.2021. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this petition stands dismissed.

sd/-
28/10/2021

/ 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,
Tiruchirappalli.

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

ORDER

IN

CRL OP(MD) No.16451 of 2021

Date :28/10/2021

RS/PN/SAR1 (15.11.2021) 3P 3C