



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4079 of 2022

COULANJIAPPAN

[PETITIONER / ACCUSED]

Vs

THE UNION TERRITORY OF PUDUCHERRY
REP BY, STATION HOUSE OFFICER,
REDYAR PALAYAM POLICE STATION,
PUDUCHERRY-605 001.
CRIME NO.0004 2022.

[RESPONDENT]

For Petitioner : M/S.V.L.NEHRU Advocate

For Respondent : MR.V.BALAMURUGANE, Additional Public Prosecutor
for Puducherry

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

ORDER : The Court Made the following order :-

The petitioner herein, who is arrayed as 1st accused, for the offences punishable under Sections 468, 471 & 420 of IPC in the complaint given by one Punithavathi alleging forgery and impersonation is before this Court seeking anticipatory bail.

2. According to the petitioner, the dispute between the petitioner and the defacto complainant had already been settled between the parties in the earlier proceedings. Despite that suppressing the fact second complaint has been given.

3. The learned Public Prosecutor (Puducherry) would submit that pursuant to the earlier complaint, proceedings and direction of the Hon'ble High Court, enquiry was conducted by the Registration



Department, vide proceedings dated 13.01.2022. The settlement deed quoted to have been created in favour of the petitioner herein was declared as fraudulently registered document. Punithavathi, who is the defacto complainant, is permitted to proceed with the property irrespective of the fraudulent registration. A copy of the proceedings issued by the Government of Puducherry Registration Department dated 13.01.2022 is also furnished before this Court for perusal.

4. The learned counsel for the petitioner on the contrary would state that after the proceedings of the Registration Department of the Puducherry Government, this Court in a connected matter, which is registered in Crime No. 33 of 2021, has granted anticipatory bail.

5. This Court, on perusing the bail order dated 24.01.2022 granted in favour of the petitioner herein in the another connected Crime Number in similar nature, initiated by the said Punithavathi. It appears that the complaint was made prior to cancellation of settlement deed and now the present complaint is subsequent to the cancellation of the deed with specific observations that settlement deed fraudulently is created by the petitioner herein.

6. Therefore, this Court finds that no impediment in initiating the second complaint, it is for the respondent police to conduct investigation and proceed in accordance with law, since there is a clear finding of the competent authority about fraudulent registration. This Court finds that it is not an appropriate to grant anticipatory bail to the petitioner just because the petitioner had been granted bail in another Crime Number.

7. In view of the same, this Criminal Original Petition is dismissed.

-sd/-
02/03/2022

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 STATION HOUSE OFFICER,
REDYAR PALAYAM POLICE STATION,
PUDUCHERRY-605 001.



2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.V.L.NEHRU Advocate on payment of necessary charges
SR.NO.3353

CRL OP.4079/2022

Date :02/03/2022

JPA 07/03/2022