



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12419 of 2022

and CrI.M.P.NO.6990 of 2022

1 M.A.MOORTHY
2 MURUGHIAH ALIAS KANNAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH -II,
CHENNAI
CRIME NO.100 OF 2021.

[RESPONDENT]

R.ARUN KUMAR

[PETITIONER / INTERVENER /
DEFACTO COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED 07/06/2022 IN
CRL.MP.6990/2022 IN CRL.O.P.NO.12419/2022]

For Petitioners : MR.MOHAMMED RIYAZ, Advocate
M/S.M. NANDHAKUMAR Advocate

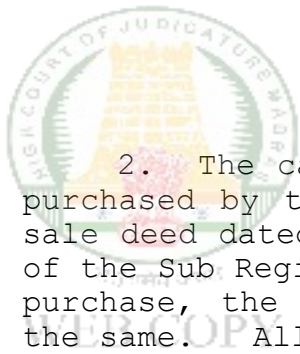
For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

For Intervenor : M/S.S.SABARISH Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 465, 467, 468, 471, 34 and 120B of IPC in Crime No.100 of 2021, seek anticipatory bail.



2. The case of the prosecution is that the subject property was purchased by the defacto complainant in the year 2019 by registered sale deed dated 23.09.2019 vide document No.10710 of 2019 on the file of the Sub Registrar Office, South Chennai Joint-I. From the date of purchase, the defacto complainant is in possession and enjoyment of the same. All the revenue records were mutated in his favour.

3. While being so, the accused persons fabricated the sale deed dated 28.06.1963 registered vide document No.173 of 1963 on the file of the Sub Registrar Office, Saidapet, Chennai, as if the first accused purchased the subject property. The said document was fabricated with the help of officials. On the strength of the fabricated sale deed, the first accused filed a suit in O.S.No.118 of 2020 on the file of the District Munsif, Alandur for declaration and injunction. Further, the case of the defacto complainant is that he was forcibly evicted from the subject property and also obtained electricity connection in the name of the fifth accused.

4. The learned counsel for the petitioner would submit that the petitioner is arrayed as A5 and A6. They were no way connected with other accused persons and have no interest over the subject property. They are nothing to do with the entire allegation as per the prosecution. In fact, the first accused filed a suit as against the defacto complainant, who is shown as fourth defendant, in O.S.No.118 of 2020 on the file of the District Munsif, Alandur, for declaration and injunction and it is pending.

5. The learned Additional Public Prosecutor would submit that A5 is an ex-councillor. All the accused had forged the sale deed dated 28.06.1963 as if the subject property was purchased by the first accused and registered vide document No.173 of 1963. He also perused the information from the concerned registration authority reveals that the document No.173 of 1963 is pertaining to the other persons and not registered in favour of the first accused.

6. The learned counsel appearing for the intervenor submitted that the defacto complainant is the original owner of the property by a registered sale deed dated 23.09.2019 vide document No.10710 of 2019. After putting up temporary construction, he was forcibly evicted from the subject property by fabrication of sale deed dated 28.06.1963. The other accused A2 to A7 fabricated the sale deed dated 28.06.1963 in the name of the first accused and forcibly evicted the defacto complainant from the possession of the subject property. So far as the petitioners are concerned, they are arrayed as A5 and A7 and A5 is an ex-councillor.

7. A perusal of the sale deed registered vide document No.173 of 1963 dated 28.06.1963 reveals that it was typed in the computer. In the year 1963, there is absolutely no possibility for the sale deed typed through computer. The defacto complainant also produced the



certified copy of the document No.175 of 1963 registered in favour of the third person and it is no way connected with the subject property. Therefore, custodial interrogation is very much required in this case.

8. Considering the facts and circumstances of the case and also considering that the custodial interrogation is very much required in this case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
07/06/2022

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH -II,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M. NANDHAKUMAR Advocate on payment of necessary charges SR.NO.8584

CRL OP.12419/2022
AND CRL.M.P.No.6990/2022

Date :07/06/2022

JPA 16/06/2022