



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14758 of 2022

AND

CRL.MP.NO.8440/2022

N.DUR AISAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DCB, ERODE,
(CRIME NO.1/2022)

[RESPONDENT]

N.MUTHUKUMAAR

[INTERVENER PETITIONER/DEFACTO COMPLAINANT
Ordered as per order of this Court
Dated:29/06/2022 made in CRL.MP.NO.8440/2022
IN CRL.OP.NO.14758/2022]

For Petitioner : M/S. T.GOPINATHAN Advocate

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

For Intervenor : MR.A.SARAVANAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.06.2022 for the offences punishable under Sections 120(B), 420, 467, 468, 471, 472, 474 and 109 of IPC in crime No.1 of 2022 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that A1 along with A2 to A4 cheated the defacto complainant by creating the forged court decree and forged death certificate, wherein A2 and A3 created a settlement deed in favour of A4, who in turn executed settlement deed in favour of A1 and register the same before the Sub Registrar Office, Sivagiri and registered 7 items of properties measuring nearly to an extent of 12 acres of land including the properties situated in Coimbatore district. Hence, the case.

3. The learned counsel for the petitioner would submit that the settlement deeds in document Nos.2719 of 2020 and 2726 of 2020 were subsequently cancelled by the Sub Registrar and thereafter the defacto complainant and other executed settlement deed and got DTCP approval and formed layout. He would further submit the petitioner and others had not created any forged document and they filed a suit in OS.No.531 of 2022, which is pending before the Principal District Court, Coimbatore. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that there are totally six accused, in which the petitioner is A1. The petitioner along with other accused persons cheated the defacto complainant by creating court decree, death certificate and affixed Government seal and created forged document. Thereafter, A4 executed settlement deed in favour of A1 and register the same before the Sub Registrar Office, Sivagiri. He would further submit that the petitioner is a habitual offender and involved in similar kind of offences. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned counsel for the intervenor would submit that on 23.12.2020, the intervenor/defacto complainant came to know that some third person had executed some fabricated documents pertaining to his property and on perusing the encumbrance certificate, he came to know that in respect of the lands in SF.No.258/1, 1A, 1B, 3, 3A, 3B, 3C, 259/1, 1B, 3, 4, 5, 275/1, 2 in Vellaikinaru Village Coimbatore North Taluk, some fabricated documents have been executed. On his complaint to the District Collector and Registration Department, the District Collector, Erode cancelled all the fabricated documents and thereafter, A1 had preferred an appeal before Deputy Inspector General of Registration, Coimbatore against the said order dated 23.03.2021, and after enquiry, it was concluded that the court decree, death certificate and other documents pertaining to the settlement deed are all falsely fabricated and also recommended the police department to take appropriate action against the accused persons.



6. Considering the gravity of offence committed by the petitioner along with other accused persons and bad antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

-sd/-

29/06/2022

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 PRINCIPAL DISTRICT JUDGE
COIMBATORE.

2 THE INSPECTOR OF POLICE,
DCB ERODE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.GOPINATHAN Advocate on payment of necessary
charges SR.No.10298

CRL OP.14758/2022

AND

CRL.MP.8440/2022

Date :29/06/2022

CSK 05/07/2022