



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twentieth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24146 of 2021

S.M.MOORTHY

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE  
ANTI LAND GRABBING SPECIAL CELL,  
DISTRICT CRIME BRANCH,  
ERODE.  
(CRIME NO.6 OF 2021)

[ RESPONDENT ]

For Petitioner : M/S.M.SOUNDAR VIJAY ARUL RAM Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

For Intervenor : MR.P.GUNARAJ Advocate

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

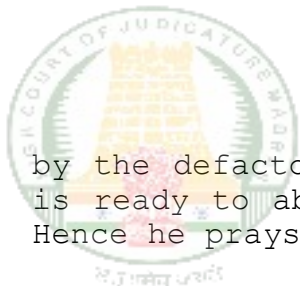
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 419, 420, 465, 468 of IPC, in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2. The case of the petitioner is that the petitioner had forged the signature of the defacto complainant and fabricated the document by way of registered sale deed in his favour. Thereafter, the petitioner along with other persons have intention to grab the property belongs to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the property was sold to the defacto complainant by way of registered sale deed on 20.02.2011 and thereafter the necessary revenue record also transfer in the name of the petitioner, due to the hike in the land value a false complaint has been lodged



by the defacto complainant. He further submits that the petitioner is ready to abide by any stringent conditions imposed by this Court. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervener submits that the petitioner had fraudulently created a forged and fabricated document of sale deed dated 28.02.2011 as if it was executed by the defacto complainant, in favour of the petitioner, by impersonating her by forged signature and affix the thumb impression of the person who had signed as defacto complainant. He further submits that with the aid of the impugned fabricated document, the accused visited the Sub Register, Avalpoondurai Office, to transfer the property to another person. He further submits that the petitioner is a habitual offender and the case of Crime No..01 of 2018 was given against him. Hence, he strongly object for the grant of bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that the petitioner along with other persons have intention to grab the property belonging to the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also the fact that the petitioner had cheated the defacto complainant by forged signature and fake document and also taking into consideration the age of the petitioner is 66 years, enlarging the petitioner on anticipatory bail at this point of time, when the offence is serious in nature and there is likelihood of the petitioner indulging in activities which would be prejudicial for investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

20/01/2022

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  
ANTI LAND GRABBING SPECIAL CELL,  
DISTRICT CRIME BRANCH, ERODE.



2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.M.SOUNDAR VIJAY ARUL RAM Advocate on payment of  
necessary charges

+1CC to M/S.P.GUNARAJ Advocate on payment of necessary charges  
SR.No.934

CRL OP.24146/2021

Date :20/01/2022

CSK 28/01/2022