



Crl.OP.No.29347 of 2022

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WEB C **G.K.ILANTHIRAIYAN, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 34 of IPC in Crime No.2 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that a land to an extent of 3.52 acres originally belonged to one N.Joghee Gowder. After his demise, his legal heirs had inherited the property and out of 3.52 acres, the petitioner has inherited 70 cents of land. Thereafter, the petitioner had executed a Settlement Deed in favour of his wife. It is further alleged that the defacto complainant had decided to purchase 35 cents out of 70 cents from the petitioner's wife and approached his Lawyer for verification. The defacto complainant's Lawyer asked the petitioner and his wife to submit notarized No Objection Affidavit from other legal heirs and the same was submitted by them, in which stated that J.Sivakumar and J. Raman, are the sons of N.Joghee Gowder and the petitioner is the grand-son of N.Joghee Gowder. After verification, the defacto complainant had purchased an extent of 35 cents from the petitioner's wife by a Sale Deed dated 13.03.2020. After purchase of the land, the defacto complainant received legal notice from one J.Raman alleging that he is the owner of the entire 3.52 acres of land as per



Crl.OP.No.29347 of 2022

the unregistered Will dated 22.10.1982 and Release Deed dated 01.10.2009

executed by one Sivakumar and I.Rajan, who are beneficiaries under the Will.

The said J.Raman had denied executing any No Objection Affidavit and he had filed an application to cancel the patta issued in favour of the defacto complainant and the same was cancelled. He also filed a suit before the Civil Court seeking declaration of Title and the Sale Deed and Settlement Deed as null and void. Therefore, alleging that they have joined together and cheated the defacto complainant, the present complaint is lodged.

3. The learned counsel for the petitioner submitted that the petitioner/A2 is the husband of A3 and the property involved is ancestral property of the petitioner and he gifted it to his wife/A3. The petitioner's maternal uncle J.Raman has claimed the property by initiating suit based on suspicious photocopy of Will, which suit is pending and after the removal of interim stay in I.A.No.86 of 2021 in O.S.No.45 of 2021 on the file of the Sub Court, Ooty, the defacto complainant has been in peaceful possession and enjoyment of the land till date and hence the allegation of cheating by the petitioner does not arise. He would further submit that this is the second anticipatory bail petition filed by the petitioner. Earlier petition filed by the petitioner was dismissed by this Court on 11.08.2022 in Crl.O.P.No.18493 of 2022. Hence, he prays to grant anticipatory

bail to the petitioner.



4. The learned Additional Public Prosecutor submits that there is no change of circumstances after the previous dismissal order passed by this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are totally three accused, in which the petitioner is arrayed as A2. The petitioner forged the signature of another legal heirs and fabricated notarized affidavit. On the strength of the notarized affidavit, he executed a settlement deed in favour of A3. In turn, A3 executed a sale deed in favour of the defacto complainant for a total sale consideration of Rs.32,75,000/-. The petitioner forged the signature of one Raman. After the sale, he filed a suit and obtained interim injunction as against the defacto complainant, who purchased the property from A3 for the sale consideration of Rs.32,75,000/-. The defacto complainant, after having purchased the property, is now restrained by the petitioner and had not even entered into the property.

6. Taking into consideration the facts and circumstances of the case and the bad antecedents of the petitioner and also the earlier petition filed by the petitioner was dismissed by this Court and that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.



Crl.OP.No.29347 of 2022

G.K.ILANTHIRAIYAN, J.

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7. Accordingly, this Criminal Original Petition is dismissed.

01.12.2022

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Crl.O.P.No.29347 of 2022