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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6300 of 2022

Govindan

... Petitioner/Accused No.1

Vs

1. The State rep.by,
The Inspector of Police,
District Crime Branch, Madurai.
(In Crime No.28/2018).

2. Sathiyamoorthy

(R2 has been impleaded
vide order dated 20.04.2022)

... Respondents/Complainants

For Petitioner : Mr.Balaji.A,
Advocate.

For R1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For R2 : Mr.A.Rahul

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

PRAYER :-

For Anticipatory Bail in Crime No.28/2018 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 465, 468, 471,
419 and 417 IPC in Crime No.28 of 2018 on the file of the respondent
police.

2.The case of the prosecution in brief is as follows:-

<https://www.mhc.tn.gov.in/judis>



3.The defacto complainant is the owner of the property comprised in S.Nos.168/2 and 271/1 situated at Sakkimangalam Village, in pursuance of the purchase made by him on 18.11.1981. For the purpose of selling the property, he applied for encumbrance certificate and at that time he found that the petitioner has purchased the property. But, the defacto complainant never executed sale deed in favour of the petitioner. On enquiry, it was found that by creating fake Aathar card, the petitioner with the connivance of the co-accused, namely, Johny Basha and Venkatesan, created the aforesaid sale deed by impersonation. So, on the basis of the complaint given by the defacto complainant, the present case has been registered.

4.During the course of investigation, the petitioner filed Crl.M.P.No.2318 of 2019 before the learned Principal Sessions Judge, Madurai and the matter was referred to mediation and in the mediation process, settlement was arrived at between the parties on 10.12.2019, whereby it was agreed by the petitioner that he will cancel the sale deed and will pay a sum of Rs.40,000/- as compensation to the defacto complainant. But later, the petitioner was arrested and remanded to custody in connection with NDPS offences. So, he was not in a position to comply with the aforesaid compromise. After releasing on bail, he made an application for cancellation of the sale deed on 11.02.2022 to the District Registrar, Othakadai and now, the process is pending. On the aforesaid ground, this petition has been filed.

5.At the outset, the attempt on the part of the petitioner in approaching this Court for the second time for the very same issue is not at all appreciable in nature. He was already granted anticipatory bail by the learned Principal Sessions Judge, Madurai and he ought to have complied with the same. Whatever may be the reason and he was not in a position to comply with the same, he ought to have made an application for extension of time. That was also not done. Ignoring all those steps, this petition has been filed, which is not at all maintainable in the facts and circumstances of the case.

6.More over, it is the contention on the part of the defacto complainant that even though there was compromise reached between the parties at the time of mediation, the offence of impersonation will not die. It has to be proceeded in accordance with law in spite of the aforesaid compromise that was reached between the parties, even that compromise became lapsed due to the expiry of time. So, the contention on the part of the defacto complainant is also correct. So, the facts and circumstances of the case clearly shows that the petitioner is not entitled for any more indulgence and he is also involved in NDPS offence. A man of such character is not entitled to get the discretionary relief of anticipatory bail at the hands of this Court.



7.This Criminal Original Petition deserves to be dismissed and accordingly, dismissed.

sd/-
27/07/2022

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/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector of Police,
District Crime Branch, Madurai.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.A.RAHUL, Advocate SR.No.34424(F)

ORDER
IN
CRL OP(MD) No.6300 of 2022
Date :27/07/2022

RK/VR/SAR-II/01.08.2022/3P/4C