



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11580 of 2022

1. S.Sathurappan
2. S.Revathi

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar District.
Cr.No.10 of 2022.

... Respondent/Complainant

G.Revathi ... Intervening Petitioner/Defacto Complainant
in CRL MP(MD).7518/2022 in CRL OP(MD).11580/2022

For Petitioners : M/s.Dilip Kumar N, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
For intervenor : M/s.Kanimozhi Mathi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence under Sections 120B, 406, 419, 465, 467 and 471 IPC in Crime No.10 of 2022, seek anticipatory bail.

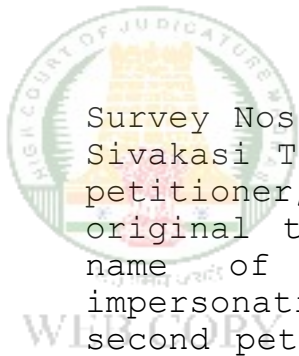
2.The case of the prosecution is that the first petitioner and the defacto complainant are brother and sister. The defacto complainant's father had purchased a property in Survey Nos.451, 452/2 and 449/2 situated at Sithurajapuram Village, Sivakasi Taluk and thereafter, he died in the year 2007. The first petitioner, with an intention to grab the properties, had stolen the original title documents and by exploiting the similarity in the name of the defacto complainant's father, he committed impersonation and created a fraudulent settlement deed in favour the second petitioner, who is the first petitioner. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that Sathurappan/A1, Amuthavalli and the de-facto complainant, Revathi are the children of Sathurappan and Rukmani. Since his father fell ill, the first petitioner was running hotel business along with his father and he purchased various properties in his individual name under various sale deeds and some other properties were purchased in the name of his father. After demise of his father, the mother of the first petitioner along with his sisters including the de-facto complainant had executed registered release deed in favour of the first petitioner in respect of the properties stood in the name of their father. Till date, the petitioners are in possession and enjoyment of all those properties. Thereafter, at the instigation of relatives, the de-facto complainant lodged a complaint on 01.11.2018 before the Land Grabbing Cell, Virudhunagar and after investigation, the same was closed as false in nature. Then, she filed a writ petition in W.P.(MD)No.24600 of 2018 before this Court and the same was closed on 13.12.2018. Subsequently, she initiated proceedings before the revenue authorities seeking cancellation of patta standing in the name of the first petitioner and the same was dismissed vide order dated 20.09.2019 in Mu.Mu.A1/2324/2019 by the Revenue Divisional Officer, Sivakasi. In the meanwhile, the de-facto complainant filed a civil litigation in O.S.No.5209 of 2016 before the City Civil Court, Chennai and the same was dismissed as not pressed on 05.03.2020 and further, she filed a civil suit in C.S.No.183 of 2017 before the Madras High Court and the same is pending. He would further submit that the de-facto complainant also filed a vexatious writ petition before the Madras High Court in W.P.No.20931 of 2018 against the first petitioner along with his sister and the same was also dismissed on 04.12.2018. He would further submit that the de-facto complainant suppressing all the above details, lodged the present complaint against the petitioners. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the first petitioner and the de-facto complainant are brother and sister. The first petitioner, with an intention to grab the de-facto complainant's properties, had stolen the original title documents and by exploiting the similarity in the name of their father, he committed impersonation and created a fraudulent settlement deed in favour the second petitioner, who is the wife of the first petitioner. The investigation is not yet completed and the custodial interrogation of the petitioner is necessary in this case. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned counsel appearing for the intervenor would submit that the name of the de-facto complainant's father Viyabaram Sathurappan and the name of the first petitioner is one and the same. The de-facto complainant's father had purchased a property in



Survey Nos.451, 452/2 and 449/2 situated at Sithurajapuram, Sivakasi Taluk and thereafter, he died in the year 2007. The first petitioner, with an intention to grab the properties, had stolen the original title documents and by exploiting the similarity in the name of the de-facto complainant's father, he committed impersonation and created a fraudulent settlement deed in favour the second petitioner, who is the wife of the first petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the investigation is not yet completed and the custodial interrogation of the petitioner is very much required in this case, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this Criminal Original Petition is dismissed.
sd/-

08/11/2022

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

TO

1. The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-12731[I] dated 09/11/2022)

+1 CC to M/s.KANIMOZHI MATHI, Advocate (SR-12741[I] dated 09/11/2022)

ORDER

IN

CRL OP(MD) No.11580 of 2022

Date :08/11/2022

SJI

RS/VR/SAR.1(16.11.2022) 3P-5C