



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

Dated: 02/09/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

WEB COPY

Crl.OP(MD)No.15022 of 2022

Logananth Kumar

... Petitioner/ 1st Accused

Vs.

State of Tamil Nadu
represented by
The Inspector of Police,
Land Grabbing Special Wing, Dindigul.
(Crime No.20 of 2022)

... Respondent/Complainant

Lilly Kamath

... Petitioner / Intervener
in CRL MP(MD) No.10405 of 2022

For Petitioner : Mr.R.Narayanan, Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervener : Mr.M.Anbalagan, Advocate.

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-For Bail in Crime No.20 of 2022 on the file of the Respondent Police.

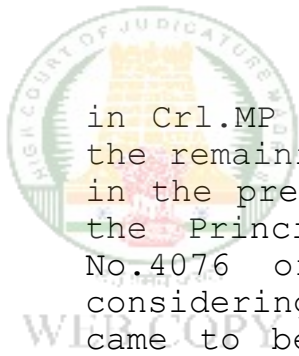
ORDER:- The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested, on 16/07/2022 and remanded to judicial custody for the alleged offences punishable under sections 420, 467, 468, 448 and 471 IPC, in Crime No.20 of 2022, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the de-facto complainant purchased two plots in Kodaikanal bearing Nos.99 and 100 of an extent of 6440 sq. feet from V.G.P. Housing Private Limited. After purchase, she was in possession of the property. But her permanent resident is at Mumbai. Taking advantage of the above said, A1 along with other accused persons conspired together and by impersonating a person as if she is Lilly Kamath, created Aadhar card and obtained missing certificate and registered the property, as if A1 gave power of attorney to A2 in respect of the disputed property. On the strength of the same, A2 sold the plot Nos.99 and 100 to A3 and A4. So on the basis of the complaint given by the de-facto complainant, the case was registered.

3.During the course of investigation, the involvement of A1 namely Loganath Kumar brought to light and he was arrested and remanded to judicial custody.

4.Seeking bail, A1 filed bail petition before the Special Court for Exclusive Trial of Land Grabbing (Judicial Magistrate), Madurai,



in Crl.MP No.751 of 2022 and that was dismissed on the ground that at the remaining accused persons were not arrested and investigation is in the preliminary stage. Thereafter, he moved bail petition before the Principal District and Sessions Judge, Madurai, in Crl.MP No.4076 of 2022 and that was also dismissed, on 10/08/2022, considering the seriousness of the allegation. Again this petition came to be filed before this court on the ground that he is in custody from 16/07/2022.

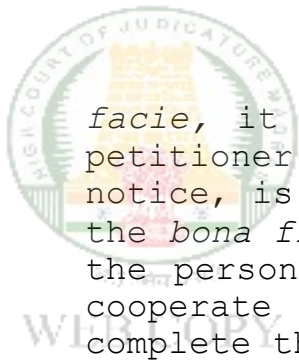
5.Now the case of the petitioner is that he purchased the above said disputed property, on 28/10/2022 for valuable consideration from his vendor, who derived title, on 09/05/1994 and in respect of plot No.99, a missing certificate with regard to the original title deed dated 26/04/1993 was produced along with non- traceable certificate. The vendor namely Lilly Kamath, later also produced the original document and thereafter, the original documents bearing Nos.506/1993 and 874/1994 were handed over by him before the concerned trial court. Those documents were 29 years old documents. The seller was VGP Housing Private limited. One Mahesh was acting as a broker. After purchasing the property, the revenue records were also changed in his name and later, a suit came to be filed for declaration that the agreement of sale, dated 07/12/2020 and the sale deed, dated 28/12/2020 are void documents and damage has also been claimed. Now the suit in O.S No.192 of 2021 is pending before the Additional District Judge, Panali.

6.It is further contended that in respect of plot No.99, two sale deeds were standing in the name of Lilly Kamath. According to the petitioner, they are disputed documents with regard to the title of the property. So according to him, the petitioner is a *bona fide* purchaser for valuable consideration.

7.Per contra, the contention on the part of the de-facto complainant to the effect that by impersonation, the property said to have been purchased by the petitioner. She has also produced the documents to show that the original Lilly Kamath has been impersonated. According to the de-facto complainant, only with the collusion of the petitioner, the above said impersonation has been committed. All the records have been fabricated and forged.

8.The learned Additional Public Prosecutor appearing for the respondent/State would submit that by impersonation, the above said document of sale has been obtained by A1, who is the petitioner herein. So according to him, it is a clear case of impersonation and forgery.

9.Even though, the learned counsel appearing for the petitioner would submit that there is a *bona fide* dispute with regard to the identity of the person, but I am unable to agree with this line of argument for the simple reason that the signature of the de-facto complainant and in the disputed document clearly differs. So *prima*



facie, it is seen that it is a case of impersonation. Whether the petitioner is a *bona fide* purchaser for consideration without notice, is a matter for trial. Only his subsequent conduct will show the *bona fide* nature. This petitioner very well know the identity of the person, who executed the document in his favour. So he has to cooperate with investigation to identify the impersonator to complete the process of the investigation.

10. It appears that no steps have been taken by the respondent police to take the petitioner into the custody for identifying the impersonator. So no purpose is going to be served by keeping the petitioner in prison continuously. So this petitioner can be released from the prison to find out the real identification of the person, who executed the sale deed in favour of the petitioner. Only for the above said purpose, I am of the considered view that the petitioner may be released on bail on condition that he must cooperate with the completion of the investigating process by identifying the person, who executed the sale deed in his favour.

11. Considering the above facts and also considering the period of incarceration of the petitioner, this court is inclined to enlarge the petitioner **on bail** with certain conditions. Accordingly, the petitioner/A1 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Dindigul and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders and cooperate with the investigating officer in identifying the impersonator.

sd/-

02/09/2022

/ TRUE COPY /

06/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, DINDIGUL.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
LAND GRABBING SPECIAL WING, DINDIGUL.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.JULIET LATHA, Advocate (SR-9591[I] dated 05/09/2022)
+1 CC to M/s.ANBALAGAN, Advocate (SR-9627[I] dated 05/09/2022)

ORDER IN

CRL OP(MD) No.15022 of 2022

Date :02/09/2022

MK/VR/SAR.I/06.09.2022/3P/8C

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