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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 17/11/2022

PRESENT

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

Cr1.OP(MD)No.15258 of 2022

Govindan : Petitioner/A1

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Madurai.
(In Crime No.28 of 2018) : R1/Complainant

2.R.Sathyamoorthy : R2/Complainant

For Petitioner : Mr.A.Balaji

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.A.Rahul

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

PRAYER :-C-38AB.For Anticipatory Bail in Crime No.28 of
2022 on the file of the Respondent Police.



ORDER : The Court made the following order:-

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

2.The case of the prosecution in brief:-

The de-facto complainant is the owner of the property comprised in Survey Nos.168/2 and 271/1 situated in 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. At that time, he found that the petitioner has purchased the property. But the de-facto complainant never executed any 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 John Batcha and Venkadesan created the aforesaid sale deed by impersonation. So on the basis of the complaint given by the de-facto complainant, the present case has been registered.



3.Heard both sides.

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4.The observation made by this court in the earlier petition viz., Crl.OP(MD)No. 6300 of 2022, dated 278/07/2022 has been pointed out by the de-facto complainant to the effect that absolutely, no ground has been made out by the petitioner to reconsider the above said order.

5.This petition was repeatedly adjourned at the request made by the petitioner that he is ready to settle the issue. On that account, it was repeatedly adjourned. But the request made by the learned counsel on record to refer the matter to mediation Finding that it is a case of impersonation and cheating, this court thought it fit not to entertain the above said request. But the learned counsel for the de-facto complainant is firm in his stand to the effect that he is not willing to settle the issue by receiving the amount involved in this matter.

6.The learned counsel appearing for the petitioner would submit that now the disputed document has also been cancelled and the right of the de-facto complainant has



been recognized in view of the cancellation of the disputed document. According to him, this must be taken into account to enlarge the petitioner on anticipatory bail.

7.As mentioned earlier, simply because the petitioner is willing to settle the issue and even cancelled the disputed document, the offence of such nature is not entitled for consideration of the anticipatory bail. The petitioner has to surrender either before the concerned court or before the respondent and seek regular bail.

8.In the result, this criminal original petition deserves dismissal and accordingly, it is **dismissed**.

17/11/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Inspector of Police,
District Crime Branch,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High court,
Madurai.



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G. ILANGO VAN, J

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