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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

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

CRL OP(MD) . No.16932 of 2022

Thangamani

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.26 of 2022).

... Respondent/Complainant

Ilaiyazhwar

... Petitioner/Intervener
(in Crl.M.P. (MD)No.11477/2022)

For Petitioner : Mr.M.Prabhu, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.M.Suresh, Advocate

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

PRAYER :-

For Bail in Crime No.26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 17.06.2022 for the alleged offence under Sections 420, 467, 468, 471, 120(b) & 506(i) IPC, in Crime No.26 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 is the sister of one Sornavadiammal and she died without any issues. Therefore, A1 got legal heirship certificate from the competent Court, as if, he is



the legal heir of his sister. During the lifetime of said Sornavadiammal, she sold the disputed land to other person. Suppressing the same, A1 fraudulently got patta for the said land and sold the property to the defacto complainant, for a sale consideration of Rs.42 lakhs, with the help of other accused persons. Hence, the complaint.

3.On the side of the petitioner it is stated that the petitioner is in custody from 17.06.2022. The petitioner is A1. He is innocent and not committed any offence, as alleged by the prosecution. The co-accused/A4 was already enlarged on bail. Hence, prays to release him on bail.

4.On the side of intervener, it is stated that initially A1 executed power deed in favour of A2 and then A2 executed power deed in favour of A1. Both were colluded each other and sold the property to the defacto complainant and till now, the accused persons had not returned the forged amount to the defacto complainant. Hence, prays to dismiss the petition.

5.On the side of respondent, it is stated that there are four accused in this case and all the accused persons colluded with each other and committed the offence of forgery. In this case, A4 was released on bail, only on the ground that he was only the attesting witness in the document. Only with the connivance of A2, A3, the disputed land sold to the defacto complainant by A1. Investigation is not yet completed. Hence, prays to dismiss the petition.

6.Considering the facts and circumstances of the case and gravity of offence and the fact that the investigation is still in nascent stage, this Court is not inclined to release the petitioner on bail.

7.Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
22/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16932 of 2022
Date :22/09/2022

SP/VR/SAR I/27/09/2022/3P/4C