



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17322 of 2022

1. Thamaraiselvi

2. Aathimoolam ... Petitioners/Accused No.1,3

Vs

The State rep.by,
The Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram,
Ramanathapuram District.
Crime No. 12 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi.D,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 465, 468, 471, 420 r/w 120(B) IPC in Crime No.12 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's grandfather Nambu Pitchai and his brother Nambu Rajan had executed a power of attorney in favour of one Thamaraiselvi. On 28.12.2010, the said Nambu Pitchai has passed away. Suppressing the same, on 23.06.2016, the said power agent with the help of one Muniyasamy, who is the brother of the defacto complainant's father, executed a



sale deed in favour of A2, namely, Anbuthasan by using bogus life certificate in the name of the de-facto complainant's grandfather, Nambu Pitchai. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the power of attorney of the above said property and she obtained power deed from the above said Namburajan and Nambu Pitchai and she paid entire sale consideration. In these circumstances, the de-facto complainant approached the first petitioner and demanded money for amicable settlement for the issue, but the first petitioner has refused for the same. Hence, the above case has been falsely foisted against the petitioners and others. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally seven accused in this case and the petitioners are arrayed A1 and A3. A1 is the power of attorney. A2 is the purchaser of property. A3 is a witness. A4 is the de-facto complainant's grandfather's brother's son. A5 is a document writer. A6 is a witness and A7 is a Doctor and he issued bogus life certificate in the name of the de-facto complainant's grandfather, Nambu Pitchai. He would further submit that the investigation in this case is not yet completed and therefore, the custodial interrogation of the petitioners is necessary in this case. Hence, he prayed for dismissal of this petition.

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

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

26/10/2022

/ TRUE COPY /

/11/2022

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

SJI

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,
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-11928[I] dated
27/10/2022)

ORDER

IN

CRL OP(MD) No.17322 of 2022

Date :26/10/2022

RK/VR/SAR-4 (07/11/2022) 3P/4C