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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.17386 of 2022

1. J.Johnson Kumar

2. A.Ilayaraja

3. Dhanabakkiayathammal

4. Chandrasekar

... Petitioners/Accused Nos. 1 to 4

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Trichy District.
Crime No.22 of 2022..

... Respondent/Complainant

For Petitioners : Mr.K.R.Kishore Ram, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 467, 468, 471, 34 IPC, in Crime No.22 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that originally the disputed property is belongs to the family members of defacto complainant. The accused persons without any title, tried to grab the property



and also tried to sell the property to third persons, by creating forged documents. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocent and they had not committed any such offence, as alleged by the prosecution. They are no way connected with the offence. The property originally belongs to one Mariayyanattar. He had three wives. A3 is the third wife of said Mariayyanattar and the said property conveyed to A3, by way of registered settlement deed. The defacto complainant is the son of brother of Mariayyanattar's second wife. They also claimed titled the property. The defacto complainant has 9 siblings and he is a practicing Advocate. Number of civil suits were filed by the parties, with regard to subject property. In order to grab the property, they filed a false case against the accused persons. Hence, prays to release them on anticipatory bail.

4. On the side of prosecution, it is stated that in this case, there are totally four accused. The property originally belongs to the husband of A3. O.S.No.1078 of 1980 filed against the wives of said Mariayyanattar was ended in favour of defacto complainant's father. O.S.No.29 of 2004, filed by A3 was dismissed on 14.09.2009 and O.S.No.204 of 2008 filed by the defacto complainant's brother was ended in his favour on 16.07.2010. Without having any title, A3 conveyed the property to A2 on 10.09.2009, who in turn, sold it to A1 on 06.09.2010, with the help of her power agent(A4), even during the pendency of civil suit O.S.No.204 of 2009. In this case, custodial interrogation of the petitioners are very much necessary. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, gravity of the offence, the overt act attributed against the petitioners and the serious objections raised by the prosecution, this Court is not inclined to grant anticipatory bail to the petitioners at this stage.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

17/10/2022

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/10/2022

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



CRL OP(MD). N



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TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17386 of 2022

Date :17/10/2022

PKP/GB/SAR-2/20.10.2022/3P/3C