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CRL OP(MD). N



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

Date : 10/11/2022

PRESENT

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

CRL OP(MD) . No.19438 of 2022

Mohammad Rabeek @ Mohamed Rafig ... Petitioner/Accused No.4

Vs

1 The State Rep. By,
The Inspector of Police,
District Crime Branch,
Tenkasi District.
(Crime No.11 of 2022). ... Respondent/Complainant

2 Sababathi ... Petitioner/Intervener/
Defacto Complainant
in Crl MP(MD) No.13519/2022
in Crl OP(MD) No.19438/2022

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Intervenor : Mr.V.R.Shanmuganathan,
Advocate

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

PRAYER :-

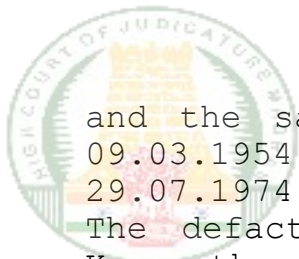
For Anticipatory Bail in Crime No.11 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the
respondent police for the offence under Sections 419, 420, 423, 465,
467, 468, 471 and 120(b) of IPC in Crime No.11 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that one Karumuthu
Thiyagarajan Chettiyar had purchased a property in Survey No.248 to
an extent of 1.75.37 acres at Ayiurperi Village, Tenkasi District

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



and the same was registered in sale deed No.830 of 1954 dated 09.03.1954. The above said Karumuthu Thiyagarajan Chettiyar died on 29.07.1974 leaving behind his only legal heir Karumuthu T.Kannan. The defacto complainant is working as a Manager under the said Karumuthu T.Kannan and he lodged a complaint before the respondent police stating that the accused 1 and 2 had created forged documents and death certificate of the said Karumuthu Thiyagarajan Chettiyar as he was died on 03.05.1986 and A1 along with one Parvathi were legal heirs of the above said Karumuthu Thiyagarajan Chettiyar. Thereafter, the said Lailtha/A1 and A2 had executed a sale deed in favour of the petitioner along with A3. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner along with A3 had jointly purchased the above property from A1 and they had also registered the same before the Joint No.I, Sub Registrar, Tenkasi without knowing the real fact. He would further submit that the co-accused were already released on bail by the learned Special Court for Land Grabbing Cases, Tirunelveli. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that there are eight accused involved in this case and the petitioner is arrayed as A4. The petitioner along with other accused had entered into a criminal conspiracy and created forged documents (death certificate and legal heirs certificate) and created forged sale deed. The investigation is still pending and the custodial interrogation of the petitioner is necessary in this case. Hence, he prays for anticipatory bail.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the gravity and nature of the offence and also considering the fact that the investigation is in preliminary stage and the custodial interrogation of the petitioner is very much necessary in this case, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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

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

+1. CC to M/S.V.R.SHANMUGANATHAN, Advocate SR.No.54765 (F), DATED :
14.11.2022.

ORDER

IN

CRL OP(MD) No.19438 of 2022

Date :10/11/2022

sj i

USK/SSS/SAR-III/07.12.2022/3P/4C