



Crl.O.P.No.11860 of 2023

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WEB C **C.V.KARTHIKEYAN, J.**

The petitioner seeks anticipatory bail in Crime No.444 of 2022, registered under Sections 465, 468, 471, 420 of IPC.

2.The 1st and 2nd petitioners, are the sons of late Adhimoolam. It is stated that they had conveyed the disputed property measuring about 438 sq.ft to the 3rd petitioner, who has subsequently built up a house. The 1st and 2nd petitioners had conveyed the said property on the basis of what the learned counsel for the petitioner claims to be an occupational patta granted in favour of their father. That particular document is alleged to be forged. The case of the de facto complainant is that the larger extent of property had been purchased by the great-grandfather of the de facto complainant through a Court auction and subsequently, there had been intentional transactions within the family including a release deed and a power of attorney deed and later the title had been crystallized in favour of the de fact complainant, who is the power of agent representing the family. It was found that in a portion of the property, the petitioners herein had created a document of sale with the 1st and 2nd petitioners selling the portion to the 3rd petitioner.

3.It is also stated that out of the larger extent, 15 cents of land had been taken over by the Indian Air force for building up a road and balance land



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is vacant land in possession of the de facto complainant. The learned counsel for the petitioners stated that the balance land, has actually been constructed by various individuals and that the petitioners alone have been singled out by filing this particular complaint. These are all issues which have to be investigated particularly, the fact whether the occupational patta granted to the father of the 1st and 2nd petitioners is a true document or a created document or a forged document. That would require a deeper investigation. The learned counsel for the petitioners stated that the 3rd petitioner, who is the purchaser had filed OS.No.97 of 2023, before the Principal District Munsif Court at Poonamallee. That is a suit only for permanent injunction and not for declaration of title. That would not take the 3rd petitioner anywhere as title would never be an issue before that particular Court.

4. In view of the fact it is alleged that document had been created, I am not inclined to grant anticipatory bail. It is also seen from the notes paper that on 24.05.2023, the learned Single Judge of this Court had noted as follows:

“After hearing both sides, I asked Mr.T.Sundaravadanam, learned counsel for the petitioner, whether his clients are willing to cancel the document which is said to be an act of forgery. The learned counsel seeks time to get instructions from his clients.”



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5. But today, no such representation in that regard had been made by the learned counsel for the petitioners. It is therefore clear that the matter has to be examined only by the Investigating Officer.

6. Accordingly, this criminal original petition stands dismissed.

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