



Crl.O.P.No.19072 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely S.Irfan, who was arrested and remanded to judicial custody on 15.06.2023 for the offences punishable under Sections 419, 465, 467, 468, 471 and 120(B) read with Section 34 of IPC in Crime No.116 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that, petitioner is the 4th accused in this case. The allegation against the petitioner is that, he had created fabricated partition deed in Doc No. 2377 of 2022. He further submitted that, Registration Act was amended in August, 2022 that, if anybody alleges that any document is forged and fabricated, they can approach the registering authority for cancelling the document. When that be the case, registration of first information report is not appropriate. Petitioner is in Judicial Custody from 15.06.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that, property in dispute originally belonged to one Thirugnanasambandam and he died leaving his wife Banumathy and son Ganeshamoorthy and daughter



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Amudha @ Annalskshmi, who is the accused in this case. It is claimed in the sale deed executed by Amudha @ Annalakshmi in favour of Sudha, defacto complainant and one Naseera Fathima, that Ganeshamoorthy died on 26.11.2019. Therefore, claiming herself as an independent and sole owner of the properties, she executed sale deed in their favour on 03.11.2021 in Doc.No.3119 of 2021 & Doc.No.3118 of 2021. Subsequently, with a view to grab the property from Sudha and Naseera Fathima, first accused created partition deed in Doc.No.2376 of 2022 dated 07.07.2022 claiming that, she and her brother Ganeshamoorthy are legal heirs of Thirugnanasambandam and one Murugavel and 5 others are legal heirs of Vadivelu. After execution of this partition deed, she also executed General Power of Attorney deed in favour of legal heirs on 07.07.2023 in Doc.No.2377 of 2022 dated 07.07.2022.

4. Considered the submissions and perused the records.



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4.1. There is obvious contradiction in sale deeds executed by 1st accused in favour of defacto complainant and in partition deed dated 07.07.2022 as to whether Ganeshamoorthy, who is the brother of the petitioner is alive or dead. It is informed by the learned Government Advocate (Crl. Side) that, Ganeshamoorthy is still alive, but he was impersonated by the 2nd accused.

4.2. This is the second bail petition filed by the petitioner. Earlier bail petition in Crl.O.P.No.1555 of 2023 was dismissed on 21.07.2023. During the course of hearing this petition, learned counsel for the petitioner submitted that, there is no consideration passed to the petitioner. She had not been issued the cheques and that no payment was made. However, learned Additional Public Prosecutor, by producing the bank statements of the accused and buyers of the property, was able to show that, sale consideration was paid either through RTGS or cheque transaction and cash transaction.



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5. In such circumstances and also considering the fact that, investigation in this case is not completed, this Criminal Original Petition is dismissed.

30.08.2023

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