



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4759 of 2023

B.Balakrishnaprabhu

... Petitioner/Accused No.4

Vs

The Inspector of Police,
Anti-Land Grabbing Police Station
Tenkasi District.
In Crime No. 107/2022.

... Respondent/Complainant

For Petitioner : P.Aju Tagore,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

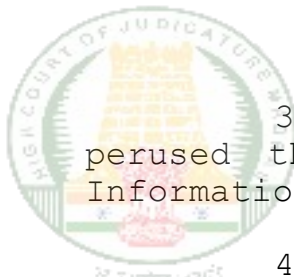
PRAYER :-

For Anticipatory Bail in Crime No. 107 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 419, 471 and 420 of I.P.C., in Crime No.107 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had purchased the alleged property from one Gopalakrishna Nadar. In the meantime, A.1 and A.2 have fabricated the settlement deed in favour of the third accused and later, the third accused executed a sale deed in favour of Accused Nos.4 and 5 in the presence of Accused Nos.6 to 11 and Accused No.12 is the Sub-Registrar, who registered the document. Hence, the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that there are totally 12 accused and the petitioner is arraigned as Accused No.4. The case of the prosecution is that A.1 and A.2 are brothers. After selling the entire share of their father, the first accused settled the property in favour of A.2, in turn, A.2 executed settlement deed in favour of A.3, who is none other than the son of A.2 and thereafter, A.3 executed sale deed in favour of the petitioner. Immediately, after 10 days, the petitioner herein sold out the property in favour of the defacto complainant. A.5 is the bonafide purchaser. Whereas, the petitioner and A.1 to A.4 colluded together and in order to cheat the defacto complainant, encumbered the property by the above deeds. In fact, A.1 and A.2 already sold out their share. Therefore, the custodial interrogation of the petitioner is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

15/03/2023

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/03/2023

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

PS

TO

1. THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING POLICE STATION
TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4759 of 2023

Date : 15/03/2023

RK/CG/SAR-3(21/03/2023) 2P/3C