



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.04.2023
PRESENT

WEB COPY

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

CRL OP(MD)No.7031 of 2023

1.A.Thangamayan

2.Seenivasan

3.Sanjay Sharma

... Petitioners/Accused 3,9 & 10

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Theni.
(Crime No.26 of 2022)

... Respondent/Complainant

For Petitioners : Mr.K.APPADURAI, Advocate
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor.

For Intervenors : Mr.K.Jeyamohan, Advocate
for Mr.M.Kaliraj, Advocate

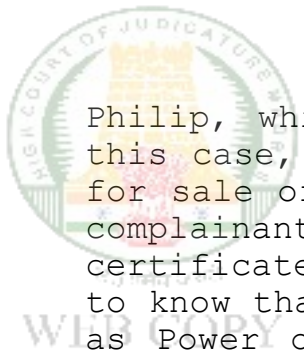
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3, A9 & A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 420, 465, 467, 468, 471 & 109 IPC in Crime No.26 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the subject property measuring 2.54 acres comprised in S.No.474/4, 5 & 8 covered by patta No.118 and 1047 is the ancestral property belonging to the defacto complainant's father. His grandfather along with Perumal and Vairavan, entered into a sale agreement in the year 196 with one



Philip, which had expired by efflux of time. Subsequently in this case, is said to have frequently asked the defacto complainant for sale of the aforesaid property, which was denied by the defacto complainant. When the defacto complainant obtained encumbrance certificate and verified with the Sub Registrar concerned, he came to know that the said property has been fraudulently alienated by A1 as Power of Attorney, by a registered sale deed dated 15.02.2022 vide Doc.No.931/2022 in favour of the first petitioner herein. Subsequently, the first petitioner is said to have executed a registered settlement deed in favour of his son, who is arrayed as A10 on 22.02.2022 vide Doc.No.1084/2022. Both transaction held in the year 2022 by creating documents in the name of defacto complainant's grandfather and his father, who were not alive at the time of registration. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the first petitioner cancelled the sale deed executed in his favour and also cancelled the settlement deed executed in favour of the third petitioner.

4.It is seen that the property originally belonging to the defacto complainant's grandfather and his brothers. His grandfather died long back and brothers also died. However, the first petitioner connived with the second accused and fabricated the power of attorney as if executed by the defacto complainant's grandfather and his two brothers and also fabricated life certificate. On the strength of the power of attorney, they produced life certificate as if, they were alive and had executed sale deed in favour of the first petitioner herein, in turn, the first petitioner executed settlement deed in favour of his son, third petitioner herein. The second petitioner herein stood as witness in the settlement deed. Though the petitioners cancelled the sale deed and settlement deed, they failed to cancel another sale deed in respect of another property belonging to the another victim. That apart, cancellation of sale deed would not absolve the entire proceedings. Therefore, custodial interrogation of the petitioner is very much necessary in this case.

5.Considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-

18/04/2023

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/05/2023

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



GNS
TO

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

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

+1. CC to Mr.K.APPADURAI, Advocate SR.No.6037

+1. CC to Mr.K.JEYAMOHAN, Advocate SR.No.6039

+1. CC to Mr.M.KALIRAJ, Advocate SR.No.5992

ORDER

IN

CRL OP(MD) No.7031 of 2023

Date :18/04/2023

SA/VR/SAR.3/17.05.2023/3P/6C