



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

Date : 20/04/2023

PRESENT

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

CRL OP(MD). No.7329 of 2023

Loganathan

... Petitioner / Accused No.1

Vs

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

... Respondent / Complainant

For Petitioner : M/s.K.Appadurai, Advocate.

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

For Intervenor : Mr.M.Kalairajan, Advocate

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

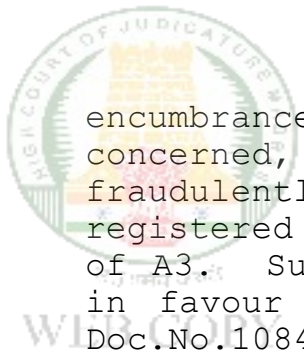
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends 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, seeks 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 1996 with one Philip, which had expired by efflux of time. Subsequently, the petitioner herein 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 the petitioner as Power of Attorney, by a registered sale deed dated 15.02.2022 vide Doc.No.931/2022 in favour of A3. Subsequently, A3 had 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 A3 cancelled the sale deed executed in his favour and also cancelled the settlement deed executed in favour of A10.

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, A3 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 A3 herein, in turn, A3 executed settlement deed in favour of his son, A10 herein. A9 herein stood as witness in the settlement deed. Though the accused 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, the 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 petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
20/04/2023

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/05/2023

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

SJI

To

1.The Inspector of Police,
District Crime Branch,

Madurai District.



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.APPADURAI, Advocate (SR-6303[I] dated 21/04/2023)

WEB COPY

ORDER

IN

CRL OP(MD) No.7329 of 2023

Date :20/04/2023

ED/VR/SAR- 4(11/05/2023) 3P 4C