



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/05/2023

PRESENT

WEB COPY

**The Hon`ble Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD). No.8224 of 2023

Sethuraman,

... Petitioner/Accused No.2

**Vs**

The Inspector of Police,  
ALGSC/District Crime Branch,  
Ramanathapuram.  
(Crime No.3/2021).

... Respondent/Complainant

For Petitioner : Mr.MURUGAN, Advocate  
for Mr.B.ANANDAN, Advocate.  
For Respondent : Mr.SS.MADHAVAN,  
Government Advocate (Crl.Side)  
For Intervenor : Mr.ATHAM ALI, Advocate

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

**PRAYER :-** For Anticipatory Bail in Crime No.3/2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 465, 468, 471, 420 and 120-B of IPC, in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner and the other accused is that without having any valid title, they executed a document. Originally the property in question belonged to a person namely, Chinnammal. She had two sons. Namely, Balusamy and Velusamy. Balusamy is the father of the defacto complainant herein. After the demise of said Chinnammal, they partitioned the property and each received a share of 70 ½ cents through registered partition deed dated 22.03.1990. The petitioner impersonated said Chinnammal and forged a document related to 70 ½ cent belongs to Balusamy, which led to the execution of a power of attorney in the petitioner's favour. Later, the petitioner and the other accused persons dealt with the property. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this is the second anticipatory bail application. Earlier application filed by the petitioner was dismissed by this Court.

4.The learned Government Advocate (Crl.Side) would submit that the allegation against the petitioner and other accused is that without having any valid title, they executed a document by impersonation. Hence, there is specific overt act as against the petitioner and the other accused.

5.The learned counsel for the Intervenor would submit that a sum of Rs.60 lakhs was given by the purchaser to the petitioner and the purchaser is ready to cancel the document because the petitioner is not a real owner. But, the petitioner has refused to return back the said amount of Rs.60 lakhs.

5.Considering the facts and circumstances of the case and also considering the conduct of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

18/05/2023

/ TRUE COPY /

24/05/2023

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

DSS

TO

1 THE INSPECTOR OF POLICE,  
ALGSC/DISTRICT CRIME BRANCH,  
RAMANATHAPURAM.

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

+1. CC to Mr.S.ATHAM ALI, Advocate SR.No.7630 (I) Dt.19/05/2023

+1. CC to Mr.MUTHAMILSELVAN, Advocate SR.No.7692 (I) Dt.19/05/2023

+1. CC to Mr.V.MURUGAN, Advocate SR.No.7789 (I) Dt.22/05/2023

**ORDER IN**

CRL OP(MD) No.8224 of 2023

Date :18/05/2023

SA/24.05.2023/2P/6C

<https://www.mhc.tn.gov.in/judis>