



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.06.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.9249 of 2023

1.Prakash
2.Subbulakshmi

... Petitioners/Accused No.4 & 5

Vs

State Rep.by
The Sub-Inspector of Police,
District Crime Branch,
Thiruchirappalli
(Ref:Crime No.7/2023)

... Respondent/Complainant

For Petitioners : Mr.D.Shanmugaraja Sethupathi, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.
For Intervenor : Mr.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 467, 468, 471 & 120(B) IPC in Crime No.7 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has purchased land in S.No.39/1A to the extend of 54 cents by registered sale deed dated 14.06.1985 vide document No.2036/1985. The defacto complainant has been in possession and enjoyment of the vacant land ever since of the purchase. While so, in the first week of August 2022, when the defacto complainant had visited the vacant site, some third persons had been removing the fencing and erecting new fencing. On enquiry, he came to know that the one Freddy has purchased the land. Subsequently, the defacto complainant got encumbrance certificate and he came to know that first accused in connection with other accused, had fabricated the sale deed dated



18.07.2022 as if, it was executed by the defacto complainant. The petitioners herein stood as witnesses in the said sale deed. Hence the case.

3. Heard both sides and perused the materials available in the record.

4. It is seen that there are totally five accused in this case, in which, the petitioners are arrayed as A4 and A5, as per FIR. According to the case of the prosecution, A1 impersonated the defacto complainant with the help of A2 and executed sale deed in favour of A3. The petitioners herein stood as witnesses in the said sale deed. Their modus operandi is that they used to register sale deed in their favour and subsequently, filed suit between themselves. Thereafter, they settled issue and obtained degree in respect of the property, in order to cheat the original owner of the property. The defacto complainant also produced so many suits filed by the accused persons. Therefore, custodial interrogation of the petitioners is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-

15/06/2023

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15/06/2023

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

gns

TO

1 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
THIRUCHIRAPALLI.

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

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-8826[I] dated
15/06/2023)

ORDER

IN

CRL OP(MD) No.9249 of 2023

Date :15/06/2023

RS/VR/SAR-(15.06.2023) 2P 4C