



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

Date : 22/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11195 of 2023

WEB COPY

Ujin Joseph Xavier ... Petitioner/Accused No.1
Vs

The State Rep.by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District
(Crime No.159 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Veeraraghavan.S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.159 of 2023 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),
468,471,341,294(b) and 506(i) of IPC in Crime No. 159 of 2023 on the
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A3 purchased a land
comprised in old S.No.416/2, T.S.No.19, WardD, Block 27 measuring 6
cents from S.Maria Gabriel on 05.11.1991, thereafter she obtained
patta in her name and she was in possession and enjoyment of the
property. Thereafter through power agent sold the property in
favour of N.Natarajan and K.Jaganathan and K.Sivakumar under sale
deed dated 07.09.2016 registered vide document no.1748/2016 in the
office of SRO, Kodaikanal. Thereafter all of a sudden the defacto
complainant and her relatives send a legal notice to the petitioner
and the same was also replied by the petitioner, however she came to
know that she could not file a civil case against the petitioner,
the present petition has been filed.

3. Heard both side and perused the materials available on record
including the First Information Report.

4. The learned counsel for the petitioner would submit that
the petitioner owned property vide sale deed in the year 1959.

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Thereafter had sold it in favour of A4 and A5. There is no way connected with the alleged crime as alleged by the prosecution.

5. The learned counsel for the intervenor would submit that originally the property belongs to the grand father of the petitioner and the petitioner herein is the master mind behind the entire crime. He created fabricated and false documents as if he had purchased the property in the year 1959 and subsequently by way of unregistered sale deed in the year 1991 he had executed sale deed in favour of A4 and A5. Now the petitioner is aged about 64 years and even assuming that the petitioner had purchased the property he was only one year old at the time of purchasing the property in the year 1959, hence he objected to grant anticipatory bail to the petitioner.

6. The learned Government Advocate(Crl.Side) would submit that the accused persons wantonly created some documents and sold out the property to the third persons.

7. Taking into consideration all the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Hence the petition stands dismissed.

sd/-

22/06/2023

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/07 /2023

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

AAV

TO

1. The Inspector of Police,
Kodaikanal Police Station, Dindigul District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VEEARAGAVAN, Advocate (SR-9441[I] dated 23/06/2023)

ORDER IN

CRL OP(MD) No.11195 of 2023

Date :22/06/2023

RD/MGA (03/07/2023) 2P 4C

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