



CRL OP(MD). No.20266 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20266 of 2024

Jeeva

... Petitioner / Accused No.3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.31 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.Sivaprakash,
Advocate

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

For Intervenor : Mr.M.Jerin Mathew

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.31/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417, 419, 468, 471, 420, 120B of IPC, in Crime No.31 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the subject property was originally owned by one Parvathi who is the defacto complainant. Someone had impersonated the said Parvathi and a sale deed was executed in favour of one D.L.Periyakaruppan on 27.01.2000 in document No. 74 of 2000. The said Periyakaruppan executed a sale deed in favour of A1 on 14.07.2000 which was registered as document No. 835 of 2000. This Periyakaruppan subsequently died. A1 in turn executed a sale deed in favour of A2 on 24.06.2005 which was registered as document No. 965 of 2005. A2 executed a sale deed in favour of the petitioner (A3) on 22.03.2012 which was registered as document No. 1466 of 2012. The defacto complainant came to know about these illegal sale only in the year 2024 and thereafter, a complaint came to be given to the respondent police. The total extent of the property is 2 acres. Out of the same, through the above transactions, 1.89 acres were dealt with. Even for the remaining portions, the deceased Periyakaruppan had created documents in favour of A4. A4, in turn, had executed a sale deed in favour of A5.



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3. Heard the learned counsel on either side and perused the material records of the case.

4. In the considered view of this Court, the petitioner (A3) has come into the scene only in the year 2012. The learned counsel for the intervenor submitted that the petitioner was very much aware of the fact that the original sale made in favour of the deceased Periyakaruppan was a forged document created through impersonation. In spite of the same, A3 had purchased the property. The learned counsel for the intervenor further submitted that none of the accused persons have been arrested in this case and there has been absolutely no progress in the investigation.

5. The learned counsel for the petitioner submitted that the petitioner came into the scene only in the year 2012 and whereas the impersonation is said to have taken place in the year 2000, at which point of time, the petitioner was not even in the scene.

6. The learned Government Advocate (Criminal Side), on instructions, submitted that the FIR is under investigation and that none of the accused persons have been arrested in this case.



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7. In the considered view of this Court, the fact remains that the impersonation and creation of the forged documents has taken place in the year 2000. The petitioner has come into the scene only in the year 2012. Therefore, atleast on a *prima facie* consideration, the petitioner could not have known about something which had taken place 12 years prior to the sale deed executed in favour of the petitioner. The case is also borne out by documents. Ultimately, the police will have to find, if the original document that was executed in favour of deceased Periyakaruppan was a forged document. If that is so, no title could have passed on to any of the accused persons. Insofar as the petitioner is concerned, custodial interrogation may not be required, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
21/11/2024

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/11/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE
THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT

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

+1 CC to M/s.S.SIVA PRAKASH, Advocate (SR-14368[I] dated 21/11/2024)



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ORDER
IN
CRL OP(MD) No.20266 of 2024
Date :21/11/2024

SS/VR/SAR- /28/11/2024/ 7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023