



CRL OP(MD). No.20841 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20841 of 2024

1. Gopidoss

2. Subhasree

... Petitioners/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.18 of 2024..

... Respondent/Complainant

For Petitioners : Mr.S.Anil Sandeep

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For Intervener : M/s.M.T.Arunan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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For Anticipatory Bail in Crime no.18 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 468, 471, 406 and 120(B) of IPC in Crime No.18 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the absolute owner of the property measuring an extent of 4.66 ½ acres. The power of attorney was executed by the defacto complainant in favour of A1 to deal with this property by document dated 22.04.2021 registered as Doc.No.757 / 2021. A1 had dealt with 1.29 acres out of total extent and sold it to five different persons. There was no dispute insofar as this transaction is concerned. The balance extent of 3.37 ½ acres is said to have been sold in favour of A2, who is none other than A1's daughter. This transaction has taken place by producing forged life certificate and the sale consideration was not paid to the defacto complainant. It is under these circumstances, the complaint came to be given before the respondent police.



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3.This Court has carefully considered the submissions on either side and perused materials available on record.

4.The petitioners, who are A1 and A2 have not disputed the fact that power of attorney was executed in favour of A1 by the defacto complainant to deal with the property. The specific case of the petitioners is that total consideration of Rs.1.23Crores was fixed for the entire extent and amount was also paid to the defacto complainant and receipt was also given by the defacto complainant on 22.04.2021. Therefore, the petitioners have taken a stand that the defacto complainant has already received the entire consideration.

5.The further case of the petitioners is that the defacto complainant, gave an earlier complaint in this regard, which was enquired and closed on 25.07.2023. Thereafter, steps were taken to cancel the sale deed by filing a writ petition before this Court and the same was dismissed by this Court. A2 had also filed a suit in O.S.No.198 of 2023 before the Sub Court, Ramanathapuram seeking for the relief of permanent injunction and the same is pending. It is at this stage, the complaint came to be given against the accused persons.



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6. In the considered view of this Court, the entire case is borne out by records and therefore there may not be any requirement to subject the accused persons to custodial interrogation. Hence there shall be a direction to the respondent Police to resort to the procedure under Section 35 of BNSS Act, 2023 and complete the investigation as expeditiously as possible.

7. Accordingly, this petition disposed of in the above terms.

sd/-
02/12/2024

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/12/2024

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

PNM

TO

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

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

+1 CC to M/s.E.SATHEESH, Advocate (SR-14797[I] dated 02/12/2024)

+1 CC to M/s.M.T.ARUNAN, Advocate (SR-14888[I] dated 04/12/2024)



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ORDER
IN
CRL OP(MD) No.20841 of 2024
Date :02/12/2024

SS/GSV/SAR- /10/12/2024/ 5P/5C

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