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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.22291 & 23322 of 2023

ANBALAGAN

... PETITIONER / ACCUSED No.7
in CRL OP(MD)No.22291 of 2023

KARTHIKEYAN

... PETITIONER / ACCUSED RANK NOT KNOWN
in CRL OP(MD)No.23322 of 2023

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
TRICHY DISTRICT.
CRIME NO 38 OF 2023.

... RESPONDENT / COMPLAINANT
in BOTH THE PETITIONS

For Petitioner : Mr.T.LENINKUMAR Advocate
(in CRL OP(MD)No.22291 of 2023)

For Petitioner : Mr.B.JAMEELARASU, Advocate
(in CRL OP(MD)No.23322 of 2023)

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)
(in both the petitions)

PETITION FOR ANTICIPATORY BAIL's Under Sec. 438 Cr.P.C.



COMMON PRAYER:

FOR ANTICIPATORY BAIL's IN CRIME NO. 38 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

COMMON ORDER : The Court Made the following order :-

The petitioners in both the petitions are arrayed as A7 and A14 respectively, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 419, 420, 423, 467, 468, 471 and 120(B) IPC in Cr.No.38 of 2023, seek anticipatory bail.

2. The case of the prosecution is that originally the disputed properties were owned by one Annamalai. He purchased the property in the year 2007. He is the husband of the de-facto complainant. It appears that A2 created forged power of attorney as if the de-facto complainant and her husband executed power of attorney in his favour and subsequently the same was cancelled and thereafter, the very same A2 created another power of attorney as if the de-facto complainant executed power of attorney in his favour and based on which, A2 alienated the property to other persons. The allegations made against A7 and A14 are that they mortgaged the property and repaid the money and redeemed, thereby created an encumbrance over the property. The further allegation against A14 and others is that they facilitated the purchasers to purchase the property from A1 and others. Hence, the complaint.



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3.The learned counsels appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. The main mastermind persons mortgaged the property and thereby created an encumbrance over the property, for which, these petitioners are not at all responsible and based on the confession of the co-accused, A14 was implicated. The learned counsel for A-7 would submit that A3 availed loan from A7 and subsequently repaid the loan and redeemed the property. Hence, they pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate would submit that admittedly, the properties are owned by Annamalai, who is the husband of the de-facto complainant and due to the encumbrance created by the accused persons including these petitioners, they are not able to enjoy the properties and further there is a violation of provisions under the Mines and Minerals Act, since huge deposit of sand were removed from the land in question, for which, the concerned authority sent a communication to the revenue department to assess the damages. He would further submit that since the investigation is at nascent stage, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the fact that though the petitioners claim that they are no way connected with the



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encumbrance made by other co-accused, the fact remains that the husband of the de-facto complainant passed away and the de-facto complainant and her son inherited the properties and encumbrance was created in the property of the de-facto complainant and if the petitioners are enlarged on anticipatory bail, there is every possibility of tampering the witnesses and hamper the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, these petitions are dismissed.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE INSPECTOR OF POLICE
DCB POLICE STATION,
TRICHY DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) Nos.22291 & 23322 of 2023
Date :04/01/2024

SS/JGB/SAR- /12/01/2024/5P/3C

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