



CRL OP(MD) No.22635 of 2023

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22635 of 2023

P.BALAKRISHNAN

... PETITIONER / ACCUSED No.1

Vs

1 THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION,
MADURAI CITY.
CRIME NO. 1356 OF 2023

... 1st RESPONDENT/COMPLAINANT

2 THE INSPECTOR OF POLICE
CITY CRIME BRANCH(CCB),
MADURAI CITY.

... 2nd RESPONDENT / COMPLAINANT

R.VENKATRAMAN

... INTERVENING PETITIONER/
DEFACTO COMPLAINANT
in CRL MP(MD)No.17984 of 2023
in CRL OP(MD)No.22635 of 2023

For Petitioner : M/S. JEGADEESH PANDIAN.M Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

For Intervenor : M/S.H.LAKSHMI SHANKAR, Advocate for
M/S.S.RAMESH, Advocate

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



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PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 1356 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 417, 419, 420, 468, 471 and 506(ii) IPC, in Crime No.1356 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property and without the knowledge of the defacto complainant, the accused No.2 has created a forged power of attorney as if the defacto complainant's brother has executed the power of attorney in favour of him and the accused No.2 had sold out the property to one Balakrishnan and thereafter, several transactions had taken place. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the defacto complainant did not own the original documents and the petitioner purchased the property from the title holder which cannot be questioned. On earlier occasion, the petitioner made a complaint before the Commissioner of Police, against the defacto complainant, however, it was ended in failure. Thereafter, the defacto complainant



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has made a representation under Section 77A of the Registration Act before the District Registrar, Madurai, to cancel the sale deed and after conducting the enquiry, the District Registrar directed the defacto complainant to approach the civil Court. Thereafter, he has made this false complaint against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor would submit that the accused persons impersonated the defacto complainant and his brothers and created a forged power deed that the defacto's complainant's mother died in the year 1978, by producing the fake Death Certificate of the defacto complainant's mother and the Legal Heirship Certificate of his father and sold out the property. Hence, he prays for dismissal of this petition.

5. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is at the initial stage.

6. Considering the serious allegations levelled against the petitioner and the fact that the petitioner and the other accused persons created a forged power deed stating that the defacto complainant's mother, who is alive, claimed to be no more/died by producing a fake death certificate and the Legal Heirship Certificate and that the investigation is at the initial stage, this Court is not inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed.

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08/01/2024

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/01/2024

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

SSB
TO

- 1 THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION, MADURAI CITY.
- 2 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, (CCB), MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.22635 of 2023
Date :08/01/2024

SS/JGB/SAR- /30/01/2024/4P/4C

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