



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

Friday, the Eleventh day of December Two Thousand Fifteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.13181 and 13197 of 2015

1 MARIAMMAL
2 J.S.ALEX BRISIL JENOBIA
3 A.JOSEPH SAMIKAN

... PETITIONERS/ACCUSED 1 TO 3
IN CRL.OP(MD)NO.13181/2015

1. A.GNANAPRAKASAM
2. A.PAULRAJ

... PETITIONERS/ACCUSED NO 4 & 5
IN CRL.OP(MD)NO.13197/2015

Vs

THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 1154 OF 2010.

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

FOR PETITIONER : M/S.K.SAMIDURAI ADVOCATE in both the petitions

FOR RESPONDENT : Mr.K.Anbarasan, GOVT. ADVOCATE (CRL. SIDE)
in both the petitions

FOR INTERVENOR : MR.P.GUNA SEKARAN, Advocate in both the Petitions

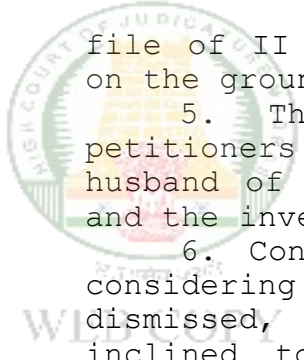
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 5, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 463,467,471,474,498(A) and 506(ii) IPC and Section 4 of Tamil Nadu Harassment of Women Act, in Crime No.1154 of 2010 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant, married son of the first accused in Crl.O.P.(MD).No.13181 of 2010, on 24.05.2004 and subsequently, her husband died on 07.09.2008. While he was alive, the petitioners tortured the de facto complainant and tried to separate them and also demanded additional dowry. After the death of her husband, petitioners in Crl.O.P(MD).No.13181 of 2010 created a forged a Will on 08.05.2008, as though her husband executed a Will bequeathing of the property and the petitioners in Crl.O.P(MD).13197 of 2015 have also the attested witnesses. In the circumstances, on the complaint given by the de facto complainant a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the son of the first petitioner became sick and he was admitted in the hospital, but, the de facto complainant did not support him either morally or financially and the petitioners have spent several Lakhs of Rupees for treatment. Therefore, the son of the first accused executed a Will in favour of the first petitioner. He further submitted that a suit has been filed in O.S.No.180 of 2009, on the file of II Additional District Munsif Court, Thirunelveli.

4. The learned counsel for the intervenor submitted that de facto complainant's husband purchased the property by pledging jewels of the de facto complainant and constructed the house in the property. He further submitted the suit filed by the petitioners in O.S.No.180 of 2009, on the



file of II Additional District Munsif Court, Thirunelveli was dismissed on the ground that the Will is forged one.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners created a forged Will as though it was executed by the husband of de facto complainant and cheated the de facto complainant and the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the suit filed by the petitioners was dismissed, on the ground that Will is a forged one, this Court is not inclined to grant bail the petitioners. Accordingly, the Criminal Original Petitions are dismissed.

sd/-

11/12/2015

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

TO

1.THE INSPECTOR OF POLICE

PALAYAMKOTTAI POLICE STATION, TIRUNELVELI DISTRICT

2.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+TWO CCS TO M/S.K.SAMIDURAI, ADVOCATE IN SR.NOS.71238 & 71239

+ONE CC TO M/S.R.ANAND, ADVOCATE IN SR.NO.71814

ORDER

IN

CRL OP(MD) Nos.13181 and
13197 of 2015

Date :11/12/2015

CSL/GSV-AN/SAR-II/18.12.2015

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