



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

Tuesday, the Eighth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2965 of 2016

WEB COPY

1 SURESHKUMAR

2 SELVI

... PETITIONERS/ACCUSED No.4 & 5

Vs

STATE REP BY THE INSPECTOR OF POLICE

****SATTUR TOWN POLICE STATION,**

VIRUDHUNAGAR DISTRICT.

****IN CR.NO. 173 OF 2015**

... RESPONDENT/COMPLAINANT

(** AMENDED AS PER ORDER OF THIS COURT

DT.24.02.2016 AND MADE IN CRL.MP.(MD).No.1695/16)

For Petitioner : MR.P.KRISHNASAMY for M/S D.GURUSAMY Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Reserved on	Pronounced on
03.03.2016	08.03.2016

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471 and 420 IPC in Crime No.173 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard learned counsel for the petitioners and learned Government Advocate (Crl.Side) appearing for the State.

3. On the complaint lodged by one Muneeswaran, S/o.Vazhavanthan, the respondent police have registered a case in Crime No.173 of 2015 on 22.02.2015 for offences under Sections 420, 465, 468 and 471 IPC against one 1) Vazhavanthan (imposter), 2) Thangamariappan, 3) Sureshkumar (1st petitioner), 4) Selvi (2nd petitioner) and 5) Mohan.

4. It is the case of the defacto complainant that Plot No.6, measuring about 3 cents was allotted by the Government to his father Vazhavanthan under Dalit Welfare Scheme. The defacto complainant's father Vazhavanthan died on 03.06.2001. The petitioners, who are relatives of the defacto complainant, knowing full well that the defacto complainant's father Vazhavanthan died, created a bogus sale deed as if the said Vazhavanthan had sold the property to one



Thangamariappan (A2) during April, 2014 and the document has been registered as Doc.No.2516 of 2015. In the said document, the petitioners have signed as witness.

5. Mr.P.Krishnasamy, learned counsel for the petitioners submitted that the 1st petitioner is an Advocate and he did not know about the impersonation and had merely signed as witnesses. The 2nd petitioner is the wife of the 1st petitioner.

6. This Court is unable to countenance his argument, because the petitioners are relatives of the defacto complainant, hailing from the same village and they cannot be heard to say that they were unaware about the death of the defacto complainant's father Vazhavanthan.

7. Mr.P.Krishnasamy, learned counsel for the petitioners further submitted that the District Registrar, Virudhunagar, by order dated 14.09.2015, has cancelled the document No.2516 of 2014, based on the circular dated 03.11.2011, issued by the Inspector General of Registration, in respect of cancellation of the documents that have been fraudulently executed, challenging which, the petitioners have also filed an appeal and therefore, the petitioners will be entitled to be released on anticipatory bail. Those proceedings are civil in nature and that can in no way absolve the accused from criminal liability.

8. Learned counsel for the petitioners also submitted that the investigation is over and a final report has been filed and therefore, the petitioners will be entitled to anticipatory bail.

9. In a case of this nature, where a dead person has been resurrected and a document has been executed by the impersonator, witnessed by these petitioners, the relief of anticipatory bail cannot be granted even if a final report is filed.

10. In the result, there are no merits in this Criminal Original Petition and the same stands dismissed accordingly.

sd/-

08/03/2016

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
SATTUR POLICE STATION,VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S D.GURUSAMY Advocate SR.No.12994

ORDER IN

CRL OP(MD) No.2965 of 2016

Date :08/03/2016