



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

Monday, the Twentieth day of June Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.6179 of 2016

C. SURULIRAJAN

... PETITIONER/A5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI,
TIRUNELVELI DISTRICT,
CR NO. 33 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

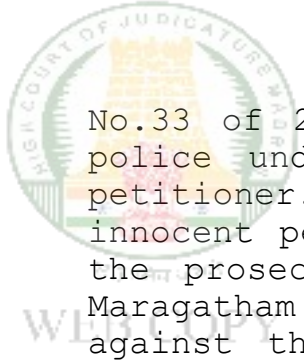
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.5, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 465, 467, 468 and 471 IPC, in Crime No.33 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the property in Survey No.55/2A1 in Kulavanigarpuram Village, Palayamkottai Taluk, measuring 41 cents belongs to one Maragatham and her son-in-law Dr.Shenbagaraman. The defacto complainant S.S.Chockalingam is the husband of the said Maragatham and father-in-law of Dr.Shenbagaraman. After purchase of the property, patta was transferred in their name and they are paying tax and enjoying the land. Since the said Maragatham was sick and Dr.Shenbagaraman was in London, the defacto complainant was acting as their power agent. It came to know that A1 and A2 impersonated Dr.Shenbagaraman and Maragatham and appointed one Shirajith Thavulah as their agent to deal with the property in order to cheat the owners Maragatham and Dr.Shenbagaraman. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that submitted that the petitioner's name has not been mentioned either in the FIR in Crime



No.33 of 2015 or in any one of the documents and the respondent police under the wrong notion, has implicated the name of the petitioner. The further case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. A.1 and A.2 impersonated Dr.Shenbagaraman and Maragatham and amounts were received by them. The allegation against the petitioner is that he along with the other accused forged the document and committed offence. But there is no allegation that he received amount from the de facto complainant. A.1 to A.3 were already arrested and enlarged on bail. Investigation is almost over. No incriminating documents against the petitioner have been collected.

4.The learned Government Advocate (Criminal side) filed a counter affidavit and submitted that there are 13 accused in this case and the petitioner along with the other accused conspired together, fabricated documents and instructed A.1 and A.2 to impersonate Dr.Shebagaraman and Maragatham and the petitioner has actively participated in the offence and some of the accused are still absconding and investigation could not be completed due to non-cooperation of the accused persons including the petitioner herein and if the petitioner is released on anticipatory bail, he will abscond and he will tamper the evidence and hamper the investigation and the earlier petition for anticipatory bail filed by the petitioner in CrI.O.P(MD)No.22371 of 2015 and the same was dismissed on 27.01.2016. There is no change of circumstance.

5.Considering the facts and circumstances of the case and also considering the serious nature of allegation of impersonation levelled against the petitioner and some of the accused persons are absconding and investigation could not be completed due to non-cooperation of the accused persons including the petitioner and there is no change of circumstance, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-
20/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI, TIRUNELVELI DISTRICT,

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

+1. CC to M/S S.PALANI VELAYUTHAM Advocate SR.No.31633

ORDER IN

CRL OP(MD) No.6179 of 2016

Date :20/06/2016