



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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.6180 of 2016

C. SURULIRAJAN

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI, TIRUNELVELI DISTRICT,
CR NO. 34 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate

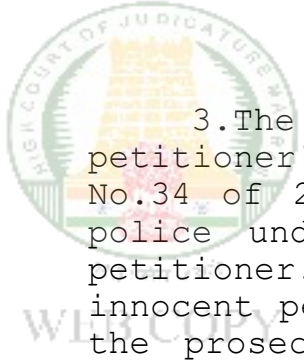
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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.4, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 416 and 506(i) IPC, in Crime No.34 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is one Syed Mariyam, W/o Shirajith Thavulah and she has given a complaint against 13 accused persons. According to the defacto complainant, A1 and A2 along with other accused persons came to their house and offered to sell the property in question and they represented that A1 and A2 are the owners of the property. A13, who is an Advocate, assured that A1 and A2 are the owners and there is no encumbrance in the documents, which were handed over to the husband of the defacto complainant and after few days, the husband of the defacto complainant gave Rs.35 lakhs as advance to A1 and A2 in the presence of the other accused. Subsequently, on various dates, the accused persons came to their house and demanded balance amount. The husband of the defacto complainant pledged jewels of the defacto complainant and her sister in Muthoot Bank and gave a sum of Rs.1 crore to A1 and A2 in the presence of other accused persons. 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.34 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. The prime accused 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.

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, 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.

ORDER IN

CRL OP(MD) No.6180 of 2016

Date :20/06/2016

smn

<https://hcservices.ecourts.gov.in/hcservices/>

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