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

Monday, the Thirteenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.6692 of 2016

RAJALAKSHMI ... PETITIONER/ ACCUSED No.6

Vs

1 THE STATE REP.BY
THE INSPECOR OF POLICE
PULIYANKLUDI POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 370/2015. ... RESPONDENT / COMPLAINANT

2 KALAISELVI ... 2ND RESPONDENT / DEFACTO COMPLAINANT

For Petitioner : M/S J.THOMAS RAJA DURAI Advocate

For 1ST Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

For 2nd Respondent : M/S.T.S.R.Venkat Ramana, Advocate

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.6, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 420, 465, 467, 468, 471 and 474 IPC, in Crime No.370 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant is a widow and the husband of the de facto complainant was working in the Government Hospital, Coimbatore and died on 25.06.2012. The de facto complainant and her minor children are residing in Coimbatore and the Tahsildar had issued Legal Heirship Certificate to that effect. While so, the first and second accused created a forged identity proof as though the mother-in-law of the first accused/A6/petitioner in this petition, is the de facto complainant, Kalaiselvi and registered a partition deed based on the said document and they have borrowed a sum of Rs.40 lakhs by mortgaging the title deeds of the property from Axis Bank, Ilanji Branch. The further case of the prosecution is that the ninth accused is working as Sub Registrar and he has not properly verified the papers and he has registered the documents for illegal gratification. The Village Administrative Officer without having any authority issued Legal Heirship Certificate. By this fraudulent act, the accused persons cheated the de facto complainant's property for an extent of 84 acres to the value of Rs.4 crores. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that she is the mother of the second accused and after the death of her husband she was residing with her daughter at Sayalkudi. Accused Nos.1 and 2 informed the petitioner that her son requires money to meet out his medical expenses and they wanted to avail loan. They took the petitioner to various places and asked her to sign in many documents as Kalaiselvi. After knowing the fact that they had intention to grab the property of the de facto complainant, she questioned about the same and the second accused made a life threat saying that if she will not co-operate with him, she has to face the consequences. The petitioner without knowing the intention of the second accused has signed as Kalaiselvi. Subsequently, the petitioner came to know that her son and daughter-in-law and mother-in-law of her son have colluded together, fabricated the documents and defrauded one Kalaiselvi, who is the de facto complainant. The petitioner is innocent person and she has not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioner submitted that the petitioner is ready to confess about the offences committed by the accused Nos.1 and 2 before the police and due to life threat by her son, she is unable to give confession before the respondent police.

5.The learned Government Advocate (Criminal side) submitted that the petitioner along with other accused have created identity proof by impersonating the de facto complainant and they mortgaged the property with Axis Bank and the charges against the petitioner are that she along with other accused created a false identity proof by impersonating the de facto complainant and registered the document and borrowed money by mortgaging the same property and she is the main accused and investigation is pending. Earlier, the petitioner moved an anticipatory bail petition before this Court in Crl.O.P(MD)No.19072 of 2015 and this Court after considering the serious allegations levelled against her, dismissed the same.

6.The learned counsel for the intervenor submitted that the accused colluded together and created a false identity proof as though the petitioner/A.6 is the de facto complainant and registered a partition deed and by showing that partition deed and by mortgaging that property, they borrowed a sum of Rs.40 lakhs from Axis Bank and the accused persons cheated the de facto complainant and the documents filed in the typed set of papers would clearly show the offences committed by the petitioner and other accused.

7.From the complaint it is seen that the occurrence tookplace from 04.08.2014. The complaint was given on 13.09.2015. The petitioner has committed a serious offence of impersonation. Considering the fact that the petitioner and other accused committed serious offence of impersonation and also created documents and cheated the de facto complainant and also considering the fact that the earlier anticipatory bail petition filed by the petitioner in Crl.O.P(MD)No.19072 of 2015 was dismissed by this Court, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-
13/06/2016

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

TO

1 THE INSPECOR OF POLICE
PULIYANKLUDI POLICE STATION,
TIRUNELVELI DISTRICT,

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

+1. CC to M/S J.THOMAS RAJA DURAI Advocate SR.No.29951
+1CC to M/S. T.S.R.Venkat Ramana, Advocate, SR.No. 29950.

ORDER
IN
CRL OP(MD) No.6692 of 2016
Date :13/06/2016

AM/KBM/SAR-I/15.06.2016/3P/5C