

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.12927 of 2018

RANI SELVARAJ

[PETITIONER / ACCUSED]

Vs

1 THE STATE REPRESENTED BY [RESPONDENTS]
INSPECTOR OF POLICE,
S-12, CHITLAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.82/2018

**[*]2 THE STATE REP. BY
THE CENTRAL CRIME BRANCH ALGS CELL,
132, EVK SAMPATH ROAD,
VEPERY, CHENNAI-600 007**

**[*]2nd Respondent is Impleaded as per order of this Court dated
20/07/2018 made in CRL.MP.NO.9707 OF 2018 IN CRL.OP.NO.12927 OF
2018**

For Petitioner : M/S.R.ANITHA Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.82 of 2018 registered by the respondent for the alleged offence punishable under Sections 420, 465, 468, 471 and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant one Chandrasekaran is that the immovable property situated in Zamin Pallavaram in Survey No.133/2B measuring 53 cents belonged to one late Thangam Murugappan Nadar. Thereafter, it was in the possession of his legal heirs and that on 13.12.2017, the legal heirs of Thangam Murugappan Nadar had executed a release deed in favour of one A.Mohana, which was registered as document No.10090/2017. Thereafter, the defacto complainant acquired the property through the Power of Attorney dated 21.12.2017 from the said Mohana. While so, the defacto complainant got information that some fictitious persons, by fabricating patta, legal heir certificates and death certificate, by document no.8186/2017

through one Kumar and one Kalyani, have executed a release deed in favour of one Rani Selvaraj and on the same day, by document no.8196/2017, a General Power of Attorney had been executed in favour of one Lakshi Narasimman. Thereafter, the defacto complainant had enquired about the documents enclosed along with the deed and found that all the revenue documents were found to be fabricated. The further allegation is that when the defacto complainant gone to his land, the accused had threatened him and thereby, on 23.12.2017, he had given a complaint to Chitlapakkam police, whereas, no action was taken and thereby, the defacto complainant had requested to take action against the persons, who had fabricated the documents.

3. The learned counsel for the petitioner would submit that there are rival claims in respect of the very same property based on the documents issued by the Revenue Authorities and the earlier documents issued by the concerned Sub Registrar Office. She would also submit that while so, one Kalyani, who has been similarly placed accused as that of the petitioner herein, approached this Court in Crl.OP.Nos.14107 & 14108 of 2018 and this Court, taken into consideration all the available materials, had granted anticipatory bail to the said Kalyani. She would submit that it is infact a case where the defacto complainant and his associates, had fabricated release deed and based on the fabricated documents registered a General Power of Attorney before the Sub Registrar Office, Pallavaram and thereafter, registered the documents in Doc.Nos.10090/2017 and 10091/2017. She would also submit that the documents produced by the defacto complainant are all fabricated. She would submit that the arrested accused have been enlarged on bail and other two accused viz., Lakshmi Narasiman and one Karthikeyan have also been granted anticipatory bail by this Court. She would also submit that the entire case of the prosecution is borne out by documents and that the case has been foisted, without verifying the veracity of the documents.

4. The learned Additional Public Prosecutor would submit that originally the case was registered by C-12, Chitlapakkam Police station in Crime No.82 of 2018 and thereafter, since the documents produced by the defacto complainant themselves were doubtful, the case has been transferred to CCB and the case is now pending before the CCB. He would submit that some of the accused have been granted anticipatory bail and that the arrested accused have been enlarged on bail.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Tambaram, within a period of fifteen days from the date of receipt of a copy of this order on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two

sureties, each for a like sum to the satisfaction of the the said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

WEB COPY

3 THE INSPECTOR OF POLICE,
S-12, CHITLAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE CENTRAL CRIME BRANCH,
ALGS CELL, 132, EVK SAMPATH ROAD,
VEPERY, CHENNAI - 7

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.ANITHA Advocate on payment of necessary charges
SR NO.14076

CRL OP.12927/2018

Date :27/07/2018

MK:07/08/2018



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