



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

Friday, the Eighth day of May Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5275 of 2020

SENTHIL KUMAR

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
OOMACHIKULAM POLICE STATION,
MADURAI CITY,
IN CRIME NO.47 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.JEGADEESH PANDIAN, Advocate
for M/S.T.SUGADEV, Advocate

For Respondent : MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor
M/S.J.ANANDAVALLI, Advocate
Guardian for Jeyaprakash

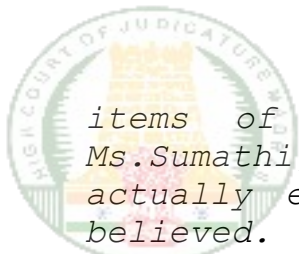
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

This is the second bail application, the first being Crl.O.P (MD)No.3189 of 2020 has been dismissed on 28.02.2020 by this Court by a detailed order. Hence, it may be superfluous to repeat the facts of the case.

2. Suffice it to say that this petitioner and others had sold several properties of a mentally challenged child by forging records. It may be apposite to extract hereunder paragraph 15 from the earlier order of this Court dated 28.02.2020:

"15. Coming to the bail petition of Senthilkumar, even though his arrest in Crime No.47 of 2020 does not appear to be justified, his culpability is evident. He has been formally arrested in Crime No.49 of 2020 registered for the offences under Sections 406, 420, 147, 448, 427, 342, 363, 365 and 380 of IPC. He had committed several illegal acts including forgery. He had sold as many as 4



items of property that originally belonged to Vasanthakumar. Ms.Sumathi, Inspector of Police also stated that Vasanthakumar was actually employed in ONGC and not in Indian Oil Corporation as believed. Vasanthakumar had received a huge sum at the time of retirement from his organization. No one knows what happened to those huge sums. The role played by Senthilkumar has to be investigated. If Senthilkumar is released on bail, even the life of Jeyaprakash may be endangered. I am of the view that Senthilkumar is not entitled to any indulgence at the hands of this Court. Hence, Crl.O.P(MD)No.3189 of 2020 stands dismissed."

3. The learned Counsel for the petitioner submitted that the petitioner has been granted bail in Cr.No.49 of 2020 by the learned Judicial Magistrate No.V, Madurai, on 27.04.2020 and further submitted that he would take all necessary steps to ensure that the child gets its due share.

4. However, the learned Additional Public Prosecutor submitted that the State has moved an application for cancellation of bail that was granted by the learned Judicial Magistrate No.V, Madurai, in Cr.No.49 of 2020. He further submitted that a fresh case in Cr.No.67 of 2020 has been registered against the petitioner and others for forging the Will of his mother - Rajeswari and disposing of the properties, in which, the mentally challenged child has subsisting interest, to various persons.

5. This Court gave its anxious consideration to the rival submissions.

6. On a perusal of the records including the earlier order passed by this Court, it is evident that the allegations against the petitioner are, indeed, very serious. It is the case of the prosecution that the petitioner's mother - Rajeswari, who was a widow, married Vasanthakumar - a widower, to whom, was born Jeyaprakash, a mentally challenged child through his first marriage. Vasanthakumar knew full well that Rajeswari had two children through her first marriage, but still came forward to marry her since he believed that she will take good care of his son - Jeyaprakash. In that fond belief, Vasanthakumar settled several properties in the name of Rajeswari. All was well till Rajeswari was alive. After the death of Rajeswari, the petitioner hatched an evil plan to usurp all the properties to himself and has allegedly manufactured a Will, dated 26.08.2017 purported to have been executed by his mother - Rajeswari bequeathing all the properties to him and his sister - Meena in exclusion of Jeyaprakash.

7. In the light of the said serious allegations against the petitioner, this Court is of the view that it will be a travesty of justice if bail is granted to the petitioner.



8. In the result, this Criminal Original Petition is dismissed.

sd/-
08/05/2020

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
OOMACHIKULAM POLICE STATION,
MADURAI CITY,
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5275 of 2020
Date :08/05/2020

rsb
JM/PN/SAR 3/11.05.2020/3P/6C