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

RESERVED ON :17.06.2020
PRONOUNCED ON :19.06.2020

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

Crl.O.P. (MD) Nos.6216, 6131 and 5960 of 2020

1 R.MEENA
2 RAJKUMAR

... PETITIONERS/ACCUSED No.2 & 3
in Crl.OP (MD) No.6216/2020

J.SULAIMAN BASHA

... PETITIONER/ACCUSED No.4
in Crl.OP (MD) No.6131/2020

1 T.VIKASH
2 V.SWATHI

... PETITIONERS/ACCUSED 7 & 8
in Crl.OP (MD) No.5960/2020

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
MADURAI DISTRICT.
CR.NO. 67 OF 2020.

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

For Petitioners : M/S. M.JERIN MATHEW, Advocate
in Crl.OP (MD) No.6216/2020

: Mr.V.NIRMAL KUMAR, Advocate
in Crl.OP (MD) No.6131/2020

: Mr.G.THALAIMUTHARASU, Advocate
in Crl.OP (MD) No.5960/2020

For Respondent : Mr.K.K.RAMAKRISHNAN,
Additional Public Prosecutor
in all the petitions

Ms.J.ANANDHAVALLI, Advocate
Amicus Curiae
Guandian for Jayaprakash



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Mr.JAGEESH PANDIAN for Mr.T.SUGADEV, Advocate
for Senthilkumar (A1)

Mr.NIRANJAN S.KUMAR, Advocate
for Rajalakshmi (A5)

Mr.KINGSTON JEROLD, Advocate
for Premavathy (defacto complainant/intervener)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C. in CRL
OP(MD)Nos.6216 & 5960 of 2020

PETITION FOR BAIL Under Sec. 439 Cr.P.C. in CRL OP(MD)No.6131
of 2020

COMMON ORDER : The Court Made the following order :-

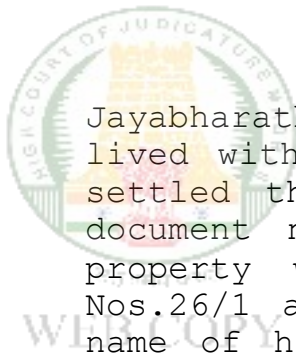
For the sake of convenience and better understanding of the
case, the parties deserve to be referred to by their names.

2 On the complaint lodged by one Premavathy (*de facto*
complainant), the Inspector of Police, Oomachikulam Police Station,
registered a case in Cr. No.67 of 2020 on 21.03.2020 for the
offences under Sections 342, 379, 365, 406, 419, 420, 465, 467, 468, 471 and
120-B IPC against Senthilkumar (A.1), Meena (A.2), Rajkumar (A.3),
Sulaiman Basha (A.4), Rajalakshmi (A.5), Aasaithambi (A.6), Vikash
(A.7), Swathi (A.8), Purushothaman (A.9), Muthukumar (A.10), Babu
(A.11) and others.

3 Premavathy (*de facto* complainant) is the sister of the
deceased T.P.Vasanthakumar, who was earlier employed in O.N.G.C. The
said Vasanthakumar was married to Padmini and they were living in
Chennai. To them was born Jayaprakash, on 22.01.1993, who was
mentally challenged. On 22.08.2009, Padmini breathed her last and
Jayaprakash was brought up by his father Vasanthakumar.

4 While so, one Rajeswari, widow of one Gurumoorthy, was
living in Madurai with her son and daughter, viz., Senthilkumar
(A.1) and Meena (A.2), respectively. After they got married, the
said Rajeswari came to Chennai on the look out for a job and got
acquainted with Vasanthakumar.

5 Vasanthakumar, a widower himself, with a mentally
challenged child, and Rajeswari, a widow herself, decided to marry
and accordingly, they got married on 21.05.2014. Vasanthakumar had
several properties in Chennai and after marriage, he acquired some
properties in Madurai as well, notably, a house in Door No.C-5,



Jayabharath Cosmo City, Chettikulam Panchayat, Madurai, where, he lived with his wife Rajeswari and son Jayaprakash. Vasanthakumar settled the said house in the name of his wife Rajeswari vide document no.1192 of 2005 dated 29.03.2015. He also purchased a property vide document no.1769 of 2015 dated 01.06.2015 in S. Nos.26/1 and 27/1 in Appadurai Nagar, Vilangudi, Madurai, in the name of his wife Rajeswari. Yet another property in Silayaneri Village in S.No.56/4 was purchased by Vasanthakumar on 17.06.2016 vide document no.2447 of 2016. On 27.12.2016. Vasanthakumar died, leaving behind his wife Rajeswari and son Jayaprakash as his legal heirs. Jayaprakash was in the care and custody of his step mother Rajeswari and misfortune struck him due to the untimely demise of Rajeswari on 09.12.2017. Thus, Jayaprakash became an orphan.

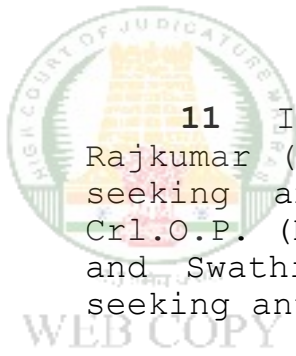
6 As stated above, Senthilkumar (A.1) and his sister Meena (A.2) were living separately with their respective families and on the demise of their natural mother Rajeswari, the huge properties that were inherited by Jayaprakash, attracted their attention. Then came in some members of the noble profession, viz., Sulaiman Basha (A.4), Purushothaman (A.9), Muthukumar (A.10) and Gopinath.

7 This group entered into a conspiracy, to wit, to usurp the properties of the mentally challenged boy, to achieve which, they first obtained a legal heirship certificate for Vasanthakumar from the Revenue authorities showing their names alone as the only legal heirs of Vasanthakumar, to the exclusion of Jayaprakash. It may be necessary to state here that Senthilkumar (A.1) and Meena (A.2) can, at the most, claim to be the legal heirs of Rajeswari, but, not of Vasanthakumar.

8 Armed with the legal heirship certificate, the group went about disposing of the properties of Vasanthakumar one by one. Purushothaman (A.9) and Muthukumar (A.10) transferred a property each in Chennai in their names. They further sold the property in Ayanavaram in Chennai for a song to Vikash (A.7) and Swathi (A.8). That apart, they sold the Madurai property to Rajalakshmi (A.5) and her husband, Aasaithambi (A.6). In that sale transaction, a quarrel ensued amongst the group, perhaps, in sharing the spoils and the matter exploded.

9 On coming to know of these happenings, Jayaprakash's paternal aunt, Premavathy, filed the present complaint, based on which, the police have taken up the investigation of the case and have arrested Senthilkumar (A.1), Sulaiman Basha (A.4), Muthukumar (A.10) and Gopinath.

10 It is reported that the anticipatory bail applications of Rajalakshmi (A.5) and Aasaithambi (A.6) have been dismissed by the District Court recently.



11 In this factual backdrop, Meena (A.2) and her husband Rajkumar (A.3) have filed preferred Crl.O.P. (MD) No. 6216 of 2020 seeking anticipatory bail; Sulaiman Basha (A.4) has preferred Crl.O.P. (MD) No.6131 of 2020 seeking regular bail; and Vikash (A.7) and Swathi (A.8) have preferred Crl.O.P. (MD) No.5960 of 2020 seeking anticipatory bail.

12 Heard Mr. Jegadeesh Pandian, learned counsel representing Mr. T.Sugadev, learned counsel for Senthilkumar (A.1), Mr.M. Jerin Mathew, learned counsel for Meena (A.2) and Rajkumar (A.3), Mr. V. Nirmal Kumar, learned counsel for Sulaiman Basha (A.4), Mr. Niranjan S. Kumar, learned counsel for Rajalakshmi (A.5), Mr.G.Thalaimutharasu, learned counsel for Vikash (A.7) and Swathi (A.8), Mr. Kingston Jerold, learned counsel for Premavathy (*de facto* complainant/intervener), Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor for the State and Ms.J.Anandhavalli, learned *Amicus Curiae*, who was appointed by this Court as the guardian for the person and properties of Jayaprakash, *vide* order dated 13.03.2020 in the earlier bail applications in Crl.O.P. (MD) Nos.3028 and 3189 of 2020.

13 The learned counsel for Meena (A.2) and her husband Rajkumar (A.3) pleaded that Meena (A.2) and Rajkumar (A.3) are innocent and it is only they who are taking care of Jayaprakash now.

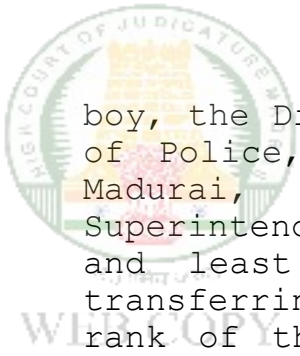
14 The learned counsel for Sulaiman Basha (A.4) submitted that Sulaiman Basha (A.4) had only provided legal advice, for which, he has been falsely implicated.

15 The learned counsel for Vikash (A.7) and Swathi (A.8) submitted that Vikash (A.7) and Swathi (A.8) are innocent purchasers, they having purchased the Ayanavaram property for a sum of Rs.26 lakhs from Senthilkumar (A.1) and Meena (A.2) and that they went by the records produced to them and did not know the true facts.

16 Per contra, Mr. K.K. Ramakrishnan, learned Additional Public Prosecutor, refuted the contentions.

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

18 The fact remains that Jayaprakash, the mentally challenged boy, was a heir to the huge properties that were left by his father Vasanthakumar. Vasanthakumar had married Rajeswari because he wanted someone to take care of his mentally challenged son after his demise. Senthilkumar (A.1) and Meena (A.2), son and daughter respectively of Rajeswari, born through her first marriage with Gurumoorthy, were married and were living separately. After the



boy, the Director General of Police, the Additional Director General of Police, CB-CID, the Inspector General of Police, South Zone, Madurai, the Superintendent of Police, Madurai and the Superintendent of Police, CB-CID, Madurai, shall act with alacrity and least bureaucratic delay in passing necessary orders for transferring the case to the CB-CID, Madurai. An officer of the rank of the Deputy Superintendent of Police in CB-CID should be appointed as the Investigating Officer.

sd/-
19/06/2020

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

To

1. The Director General of Police, Chennai.
2. The Additional Director General of Police, CB-CID, Chennai.
3. The Inspector General of Police, South Zone, Madurai
4. The Superintendent of Police, Madurai
5. The Superintendent of Police, CB-CID, Madurai
6. The Inspector of Police, Oomachikulam Police Station, Madurai
7. The Additional Public Prosecutor, Madurai Bench, Madras High Court, Madurai.

Copy To:-

1. Ms.J.Anadhavalli, Advocate, Court appointed guardian, Madurai Bench of Madras High Court, Madurai.
2. Mr.K.K.Ramakrishnan, Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER IN
Crl.OP(MD) Nos.6216, 6131 & 5960/2020
Date :19/06/2020

CAD
TE/VR/SAR-III : 19/06/2020 : 6P/10C