



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

Tuesday, the Fourteenth day of July Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.7069 of 2020

RAJKUMAR

... PETITIONER/ACCUSED

Vs

THE STATE THROUGH
THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID MADURAI RANGE,
MADURAI.
CR.NO.02/2020.

(OLD CR.NO.67/2020 ON THE FILE
OF OOMACHIKULAM POLICE STATION)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JERIN MATHEW, Advocate

For Respondent : Mr.K.K.RAMAKRISHNAN,
Additional Public Prosecutor

: Mrs.J.ANANDHAVALLI,
Court appointed as Guardian

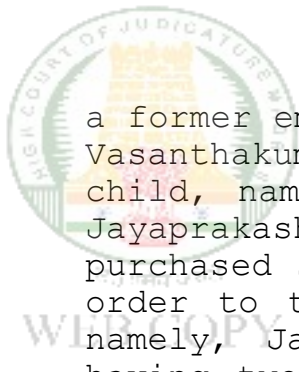
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as A.3 in Cr.No.67 of 2020, originally registered by Oomachikulam Police Station for alleged commission of the offences under Sections 342, 379, 365, 406, 420, 419, 465, 467, 468, 471 read with Section 120(B) I.P.C., and now transferred to CBCID, Madurai Range, pursuant to the orders of this Court, dated 19.06.2020 passed in CrI.O.P(MD)Nos.6216, 6131 and 5960 of 2020. As per the said F.I.R., there are 11 accused.

2. The case of the prosecution is that one T.P.Vasanthakumar was the brother of Premavathy and he was residing at Chennai and was

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



a former employee of Oil and Natural Gas Corporation Limited (ONGC). Vasanthakumar got married to Padmini and out of wedlock, begot a child, namely, Jayaprakash, who is a special child. The mother of Jayaprakash, namely, Padmini, died on 22.08.2009. Vasanthakumar had purchased several items of properties in Chennai and Madurai and in order to take care and attend to the needs of the special child, namely, Jayaprakash, he married one Rajeswari, who was a widow having two children, namely, Senthilkumar/A.1 and Meena/A.2 - wife of the present petitioner/A.3.

3. Vasanthakumar, Rajeswari and the special child - Jayaprakash were living in Madurai in Door No.C-5, Jayabharath Cosmo City, Chettikulam Panchayat, Madurai. Vasanthakumar also purchased some properties at Madurai in the name of his wife - Rajeswari under the impression that she will take care of the special child - Jayaprakash. Vasanthakumar died on 27.12.2016 and his wife - Rajeswari died on 09.12.2017 leaving the special child - Jayaprakash as an orphan.

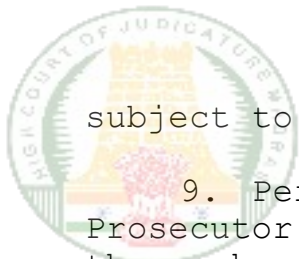
4. The prosecution further alleges that immediately after the demise of Rajeswari, the step brother of Jayaprakash, namely, A.1 and A.2 took possession of the said house, in which, Jayaprakash was living and so also the original title deeds.

5. It is the specific case of the prosecution that A.1 and A.2 along with a group of Advocates, namely, Sulaiman Basha/A.4, Purushothaman/A.9, Muthukumar/A.10 and Gopinath had fabricated the documents as if A.1 and A.2 were only the legal heirs of Vasanthakumar and sold the properties in Chennai and Madurai.

6. When Crl.O.P(MD)No.6978 of 2020 filed by Muthukumar/A.10 was listed for hearing, the learned Single Judge (the Honourable Mr.Justice P.N.Prakash), having noted the facts and events, especially, the plight of the special child - Jayaprakash, had appointed Ms.J.Anandhavalli, learned Counsel as Court Appointed Guardian and further taken note of the fact that Muthukumar/A.10 was also willing to re-transfer the property in favour of the special child - Jayaprakash and released Muthukumar/A.10 on bail subject to certain conditions.

7. The learned Counsel for the petitioner/A.3 would submit that the petitioner is an employee of the Tamil Nadu State Transport Corporation and except the fact that he happens to be the husband of A.2, he has no role to play in the alleged commission of the offences and he is incarcerated right from the date of his remand on 02.07.2020.

8. Further, the learned Counsel for the petitioner/A.3 would submit that on account of the arrest, the future career of the petitioner is put to peril and further pointed out his wife has not



subject to imposition of any conditions imposed by this Court.

9. Per contra, Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State had narrated the role played by the each of the accused and on instructions, would submit that since the petitioner/A.3 did not play a major role, the police custody was not required and prays that this Court may pass appropriate orders.

10. This Court has carefully considered the rival submissions and perused the materials placed on record.

11. A perusal of the materials placed before this Court would *prima facie* disclose that major overt acts have been attributed against the other accused and except the fact that the petitioner/A.3 happened to be the husband of the prime accused, namely, A.2, he had not played any role and of course, the investigation is in progress and ultimately, it may reveal the role played by the petitioner/A.3 also.

12. The petitioner/A.3 is an employee of the State owned Transport Corporation and it is also brought to the notice of this Court that he has no antecedents also.

13. In the light of the reasons assigned above, this Court is of the considered view that the petitioner/A.3 is entitled to be enlarged on bail.

14. In the result, this Criminal Original Petition is ordered, subject to the following conditions:

(i) The petitioner/A.3 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Superintendent, Sub Jail, Melur, Madurai District;

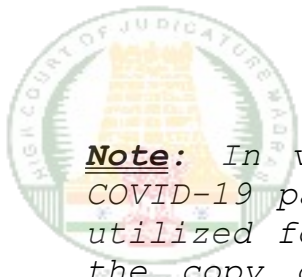
(ii) The petitioner/A.3 shall report before the CBCID, Madurai, as and when required; and

(iii) If the prosecution is of the view that there is a likelihood of tampering with the witnesses and hampering the investigation, they are always at liberty to move a petition for cancellation of bail.

sd/-
14/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE DEPUTY SUPERINTENDENT OF POLICE,
CB-CID MADURAI RANGE, MADURAI.
2. THE INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
MADURAI CITY.
3. THE OFFICER IN-CHARGE,
SUB JAIL,
MELUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

MS.J.ANADHAVALLI, ADVOCATE,
COURT APPOINTED GUARDIAN,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7069 of 2020
Date :14/07/2020

RSB/SSL
TE/JC/SAR-III : 15/07/2020 : 4P/6C