



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8897 of 2020

Murugesan

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Pudukkottai District.
Crime No.3/2020.

... Respondent/Complainant

For Petitioner : M/s.D.Saranya,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.V.Paneerselvam
for M/S CS Associates

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

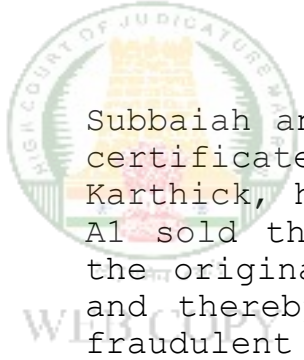
PRAYER :-

For Anticipatory Bail in Crime No.3/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 419, 465, 467, 468 and 471 of IPC, in Crime No.3 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant said to have purchased the property from one Karthikeyan, who is arrayed as A1 in this case. Subsequently, the defacto complainant came to know that the property originally belongs to one Dhamodharan S/o.Subbaiah, who was residing at Singapore. One karthick fabricated the forged death certificate in the name of



Subbaiah and his wife Gnanajothi. Thereafter, obtained a legal heir certificate in favour of one Ambika, who is the wife of the said Karthick, he sold the property in favour of Karthikeyan/A1. In turn, A1 sold the property to the defacto complainant. After sometime, the original owner of the property claimed title over the property and thereby, the defacto complainant came to know about the said fraudulent transfer made by the Accused, a complaint has been given. Based on that, the FIR has been registered.

3. Heard the learned counsel appearing for the petitioner and the intervener/defacto complainant and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that believing that Ambika is the legal heir of the one Subbaiah, the petitioner has purchased the property, for a valuable consideration, and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner along with A1 have deliberately created forged legal heir certificate in the name of one Ambika. Thereafter, he sold the property to the defacto complainant. He further submitted that during the investigation, the said Ambika stated that her name has been misused by the petitioner and A1.

6. On perusal of the records, it is seen that the petitioner along with A1 have created the forged death certificate of one Subbaiah, who was alive and also created forged legal heir certificate in the name of one Ambika and sold the property in favour of one A1 and thereafter, the petitioner and A1 have sold the property to the defacto complainant.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner and A1 have played major part of the crime, I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
01/09/2020

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/ /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 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8897 of 2020
Date :01/09/2020

VSG
TE/VR/SAR-III : 08/09/2020 : 3P/3C