



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13257 of 2020

1. Sivakumar
2. Ananth @ Ananthavel
3. Anbucheziyan

... Petitioners/Accused Nos.4,5 &
Unnamed Accused

Vs

State represented by
The Inspector of Police,
Thanjavur DCB Police Station,
Thanjavur District.
(Crime No.12/2020).

... Respondent/Complainant

For Petitioners : Mr.K.A.S.Prabhu,
Advocate.

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

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

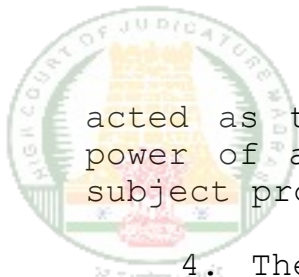
PRAYER :- For Anticipatory Bail in Crime No. 12 of 2020 on the
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 423,
465, 466, 467 and 420 I.P.C, seek anticipatory bail.

2.Heard both sides.

3. The case of the prosecution is that the subject property is
belonging to one Alamelu Managai, who is the wife of the defacto
complainant's property and she died in the year 2018. While being
so, the accused persons joined together and fabricated the death
certificate and also legal heir certificate of Alamelu Mangai /
defacto complainant's wife, as if, she died in the year 2015 itself.
On the strength of the legal heir certificate, the first accused



acted as the only legal heir of said Alamelu Mangai and executed power of attorney to A2, in order to create encumbrance over the subject property. Hence, the present complaint.

4. The learned counsel for the petitioners would submit that the petitioners are arrayed as A4 to A6 and they are nothing to do with A1 and A2. A1 only acted as a legal heir and executed a power of attorney in favour of A2. He would further submit that in so far as A7 is concerned, who is the document writer, was granted anticipatory bail by this Court. In so far as the petitioners are concerned, they are nothing to do with the crime as alleged by the prosecution and prayed the petition to be allowed.

5. The learned Government Advocate appearing for the respondent, on instructions, would submit that there are totally nine accused, in which, the petitioners are arrayed as A4 to A6 and the petitioners herein are acted as master mind behind the entire crime. In respect of subject property, A1 executed a power of attorney in favour of A2 and encumbered the subject property to grab the entire property. Therefore, the Accused No.2 was arrested and remanded to judicial custody. In respect of the other accused are concerned, they are absconding. In respect of the property, which is belonging to the defacto complainant's wife. The defacto complainant's wife was died only in the year 2018, whereas, all the accused persons have fabricated the documents that she was died in the year 2015 and also fabricated the legal heir certificate as if the first accused is the only legal heir of the defacto complainant's wife. On the strength of the legal heir certificate, he executed a power of attorney in favour of A2 in order to encumber the property and grab the property, which is belonging to the defacto complainant's wife.

6. It is seen that the defacto complainant's wife was died only in the year 2018 and they had two sons and the defacto complainant. Therefore, the petitioners and the other accused persons have committed very serious offence and cheated the defacto complainant. Hence, this Court is not inclined to allow the petition. This Criminal Original Petition is dismissed.

sd/-

24/11/2020

/ 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



TO

1 THE INSPECTOR OF POLICE,
THANJAVUR DCB POLICE STATION,
THANJAVUR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13257 of 2020

Date :24/11/2020

Ls

AE/RSK/SAR-II (30.11.2020) 3P / 3C