



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/12/2020

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PRESENT

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

**CRL OP(MD) . No.15462 of 2020**

M.Raja @ Govindaraj

... Petitioner/Accused No.3

Vs

The State rep.by  
The Inspector of Police,  
ALGSC, Thanjavur DCB Police Station,  
Thanjavur District.  
In Crime No. 12/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Alagarsamy,  
Advocate.

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

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

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

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 423, 465, 466, 471 and 420 I.P.C., in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the subject property originally owned by the wife of the defacto complainant. While being so, the third accused / petitioner herein fabricated the death certificate as if the wife of the defacto complainant was died in the year 2015 and on the strength of death certificate, he also fabricated legal heir certificate as if the first accused is the only legal heir of the wife of the defacto complainant. Thereafter, he also executed power of attorney through A1 in favour of A2, in respect of the subject property, with the assistance of other accused persons.



3. The learned counsel for the petitioner would submit that there are nine accused, in which, the petitioner herein is arrayed as A3. He is the resident of Tiruchirappalli and the second accused is the resident of Coimbatore. Even, according to the case of the prosecution, the first accused only executed power of attorney in favour of the second accused, on the strength of the legal heir certificate obtained by him. The petitioner is nothing to do with the first accused and he did not commit any offence as alleged by the prosecution. He would further submit that in so far as A4 to A7 are concerned, they were granted anticipatory bail by this Court. Therefore, the custodial interrogation of the petitioner absolutely not required in this case and hence, he prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that totally there are nine accused, in which, the petitioner is arrayed as A3 and behind the entire crime the petitioner was acted as a master brain by fabricating the death certificate of the wife of the deceased, as if she died in the year 2015 itself. On the strength of the death certificate, he also fabricated the legal heir certificate as if the first accused is the only legal heir of the deceased wife of the defacto complainant. Thereafter, the investigation revealed that the deceased was died in the year 2018 and her husband and two sons are the original legal heirs of the deceased. On the strength of the legal certificate, the petitioner also executed a power of attorney through A1 in favour of A2 and hence, custodial interrogation of the petitioner is very much required and hence, prayed the petition to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

6. It is seen that totally there are nine accused, in which, the petitioner is arrayed as A3. The wife of the defacto complainant is the original owner of the subject property and she died in the year 2018. Utilising the said circumstances, the petitioner herein/A3 fabricated a false death certificate as if the defacto complainant's wife died in the year 2015 itself and also fabricated the legal heir certificate as if the first accused is the only legal heir. Thereafter, the first accused executed a power of attorney in favour of the second accused. The petitioner is a main person, behind the entire crime and the custodial interrogation of the petitioner is very much required. Though the other accused granted anticipatory bail, who was assisted to the other accused. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.



6. Accordingly, this Criminal original petition is dismissed.

sd/-  
22/12/2020

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/ /2021

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,  
ALGSC, THANJAVUR DCB POLICE STATION,  
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.15462 of 2020  
Date :22/12/2020

Ls  
AE/KV/SAR-II (07/01/2021) 3P / 3C