



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18056 of 2021

1 J.PERUMAL
2 P.PRAVEEN KUMAR

[PETITIONERS / ACCUSED]

Vs

(*)STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH I,
ANTI DOCUMENT FORGERY WING,
VEPERY CHENNAI.
CRIME NO. 1094/2021.

[RESPONDENT]

(AMENDED AS PER ORDER IN CRL.MP. 10266/2021 IN CRL.O.P.No.18056/2021,
DATED 04/10/2021.

For Petitioner : M/S. LAKSHMINARAYANAN, Advocate for
N.ELAYARAJA Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervener : M/S. M/S.PRAVEEN ALEXANDAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 467, 468, 471, 420 and 34 of I.P.C. in Cr.No.1094 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the second petitioner and the defacto complainant are the sons of the first petitioner and the petitioners are alleged to have colluded together and obtained legal heirship certificate by including the name of one Boovan Raj in the certificate as the son of the first petitioner and his deceased wife in order to grab the defacto complainant's share in the properties owned by his deceased mother.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is the father, second petitioner is the younger son and the defacto complainant is the elder son of the first petitioner and further submitted that one Boovan Raj was born to the first petitioner and his deceased wife and he is his youngest son and he is a mentally retarded child. The first petitioner's wife during her lifetime executed a Will in favour of Boovan Raj and soon after her death, the petitioners obtained legal heirship certificate by including their names and the names of the defacto complainant and Boovan Raj, however, this was objected by the defacto complainant. The learned counsel further submitted that this is purely a civil dispute and instead of approaching the civil forum, the defacto complainant has lodged the present complaint.

4.The learned counsel appearing for the defacto complainant/ intervenor submitted that the defacto complainant is a resident of London and initially, he lodged complaint through online and thereafter a formal complaint was lodged. He further submitted that the first petitioner is not the biological father of the said Boovan Raj and further submitted that huge properties were owned by the defacto complainant's deceased mother and they were partitioned in between the brothers and father, however, in order to grab the entire properties, the petitioners have colluded together and obtained a false legal heirship certificate.

5.The learned Government Advocate submitted that investigation is still pending.

6.Considering the fact that the allegations levelled against the petitioners appears to be civil in nature, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate at Madhavaram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the



police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

25/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH I,
ANTI DOCUMENT FORGERY WING,
VEPERY CHENNAI.

WEB COPY

+1 CC to M/S. N.ELAYARAJA Advocate on payment of necessary
charges SR.NO.11709

CRL OP.18056/2021

Date :25/10/2021

RW 28/10/2021