



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.19066,19000 & 18964 of 2021

D. AMBUJAM [PETITIONER / ACCUSED
IN CRL.O.P.No.19066 of 2021]

G. NIRMALA [PETITIONER / ACCUSED
IN CRL.O.P.No.19000 of 2021]

M. SANTHA [PETITIONER / ACCUSED
IN CRL.O.P.No.18964 of 2021]

Vs

STATE REP BY [RESPONDENT
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH TEAM XVIII,
VEPERY, CHENNAI 600 007.
CRIME.NO.169 of 2021. IN ALL THE PETITIONS]

For Petitioner : M/S. V.BALASUBRAMANI Advocate
[IN ALL THE PETITIONS]

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)
[IN ALL THE PETITIONS]

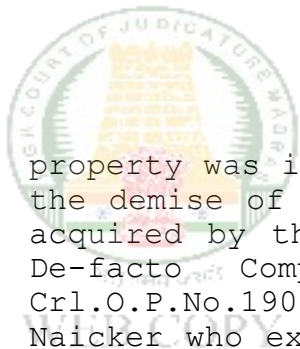
For Intervenor : MR. S.K.SUBRAMANIAN, Advocate
[IN ALL THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners have filed these petitions seeking anticipatory bail for the alleged offence under Sections 420, 465, 467, 468, 417 r/w 120(B) I.P.C in Cr.No.169 of 2021 on the file of the respondent police.

2. The case of the prosecution is that the property was originally owned by one Raghavan Naicker who settled the said property in favour of his daughter kannammal in the year 1925. Later the said



property was inherited by the son of kannammal namely Ayyasamy. After the demise of the said Ayyasamy, certain portion of that property was acquired by the Government and the remaining land was owned by the De-facto Complainant. While being so the petitioner in Crl.O.P.No.19066 of 2021 claimed that she is the wife of one Durai Naicker who executed release deed in favour of his sons and daughters based on the legal heir certificate by the Tahsildar, Poonamallee dated 31.03.2010 and a lease deed and settlement deed came to be executed based on the said legal heir certificate.

3. The learned counsel for the petitioners submits that the petitioners are the legal heirs of said Ayyasamy. Originally, the property was owned by Manika Naicker and thereafter, inherited by Ayaasamy Naicker and the property was given to Durai Naicker, who is none other than the husband of A1 and the transaction has been entered into based on the legal heir certificate. Hence prays for grant of Anticipatory bail.

4. The learned Government advocate submits that settlement deed and the release deed and power of attorney was executed by the petitioners only based on the legal heir certificate issued by the Poonamallee tahsildar on 13.03.2010 vide proceeding no.399/2010/A8. However on verification it has come to light that no such document has been issued by the Tahsildar and no such document is available in the office and the said document is a bogus one. Accordingly he prays for dismissal of the petition.

5. Considering the facts and circumstances of the case, though the petitioners claim that based on the certificate of the Tahsildar, Poonamallee, the said deeds were executed between the legal heirs, however it appears that as per the direction of this Court, the Tahsildar has filed a report dated 18.08.2021 wherein a categorical denial that no such document is available in the office of Tahsildar, Poonamallee.

6. In the aforesaid circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, all the petitions seeking Anticipatory bail are dismissed.

-sd/-

20/10/2021

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH TEAM XVIII,
VEPERY, CHENNAI 600 007.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. V.BALASUBRAMANI Advocate on payment of necessary
charges

CRL OP.19066/2021

Date :20/10/2021

INBA-18/11/2021