



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23724 of 2021

1.Hazeena alian R.Srimathy
2.R.Sulaiman

... Petitioners

Versus

State represented by
The Inspector of Police (Crime),
Egmore Police Station,
Chennai - 600 008.
(Crime No.730 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in relation to Crime No.730 of 2021 pending investigation before the respondent police.

For Petitioners: Mr.R.Narayanan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

For Intervenor : (*)M/S K.GOWTHAMAN

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 465, 468, 471 read with 511 of IPC, in Crime No.730 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners / A1 and A2 had indulged in changing the name of their grandfather's name as Govindan from the original name Abdullah, which reflected in the existing (Nikka) Marriage Certificate dated 03.02.1968 whereon the petitioners' parent's marriage (Mohammed Hussain and the Mrs.Jameela), was solemnized on 03.02.1968 at Masjid, No.39, Narayanan Street, Pudupet, Chennai - 600 002, with an ulterior motive to include the name of the petitioners, as legal heirs of the defacto complainant's father Late.G.Ramachandran with the connivance of A3 R.S.Obaidullah Rabbani, the Treasurer, Masjid-e-Mahamood Managing Committee and A4, Akbar, Tamil Nadu Government Chief Kazi, Chennai



and consequently, they had obtained the extract of the Marriage Certificate dated 29.06.2021, issued by the Government Chief Kazi, Chennai after 53 years by suppressing the original facts. Hence the case.

WEB COPY

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are the legal heirs of Ramachandran @ Mohammed Hussain, the 1st petitioner is the daughter and the 2nd petitioner is the son of Mohammed Hussain @ G.Ramachandran. On 03.02.1968 at Masjid, No.39, Narayanan Street, Pudurpet, Chennai. The said Ramachandran @ Mohammed Hussain married one Jameela and out of the wedlock these two petitioners begotten and subsequently there was a family dispute and they were separated, thereafter her mother was filed maintenance claim in M.C.No.406 of 1972 pending before the III Presidency Magistrate Court, Saidapet. He further submitted that in the year 1972 there was a maintenance claim between the father and mother, since their father deserted their mother Jameela, she filed maintenance case, the name of the father was mentioned as Ramchandran @ Mohammed Hussain, he produced the maintenance order passed on 18.09.1972 is submitted. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there is some family dispute. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor submits that these petitioners are not legal heirs of Ramachandran @ Mohammed Hussain because Ramachandran having only one wife, mother to the defacto complainant and they are the original legal heirs, but by fabricated the documents, as if Ramachandran married one Jameela thereby the petitioners tried to get legal heir certificate but the same was rejected by Revenue Authorities, even then they attempted to create fabricate documents to grab properties to his father.

6. Considering the facts and circumstances of the case and on perusal of the said maintenance case Court of 1972 records, it reveals that the name of the person who is the husband and father of the child are mentioned as Ramachandran @ Mohammed Hussain, based upon these documents he submits that they are legal heirs. Admittedly, the petition is pending before the District Collector, Tiruvallur. Therefore, now this Court is not inclined adjudicate who is the legal heirs, but already there is a dispute pending before the Revenue Officials and these petitioners also filed writ petition with regard to getting all the legal heirship certificate, hence the dispute between the parties and the Revenue Authorities the nature also in civil nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Poonamallee, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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., until further orders and co-operate for investigation;

(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 petitioners 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/-

20/12/2021

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.



(*) CORRECTED ORDER TO BE SUBSTITUTED FOR THE ORDER ALREADY
DESPATCHED ON 05/02/2022

TO தலைவர் அவர்கள்

WEB COPY

1 THE JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE (CRIME)
EGMORE POLICE STATION,
CHENNAI-600 008.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.NARAYANAN Advocate on payment of necessary charges

CC to M/S K.GOWTHAMAN Advocate on payment of necessary charges
SR.15298

CRL OP.23724/2021

Date :20/12/2021

RVR 29/12/2021
RVR 14/02/2022