



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.888 of 2021

M.Raja @ Govindaraj

... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.Alagarsamy,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of 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/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 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



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 acted as 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 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. He would also submit that this the second anticipatory bail petition and the earlier petition was dismissed by this Court on 22.12.2020.

5. It is seen that totally there are nine accused, in which, the petitioner is arrayed as A3. It is seen that the petitioner is the main accused who prepared forged death certificate and legal heir certificate and collected particulars about the defacto complainant's property and prepared forged documents. Further claiming right over the property he has also approached the other accused and when he was negotiating at that time the defacto complainant found these facts and lodge the complaint. Further some of the co-accused were granted anticipatory bail.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thanjavur on condition that the petitioner 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



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

(a) the petitioner and 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 petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

(d) the petitioner 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 petitioner 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/-

04/03/2021

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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 JUDICIAL MAGISTRATE No.III, THANJAVUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
ALGSC,
THANJAVUR DCB POLICE STATION,
THANJAVUR DISTRICT.

<https://hcservices.mca.gov.in/hcservices/>



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

+1 CC to Mr.S.ALAGARSAMY, Advocate (SR-1748[I] dated 04/03/2021)

WEB COPY

ORDER

IN

CRL OP(MD) No.888 of 2021

Date :04/03/2021

AAV

TK/VR/SAR.3/08.03.2021/4P/6C