



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

Date : 16/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6862 of 2021

Thiruvetripathi

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Keelarakulam Police Station,
Virudhunagar District.
Crime No.66 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandiyan, Advocate.
For Respondent : Mr.M.Muthumanikkam, Government Advocate (Crl.Side)
For Intervenor : Mr.S.Selvakumar, Advocate

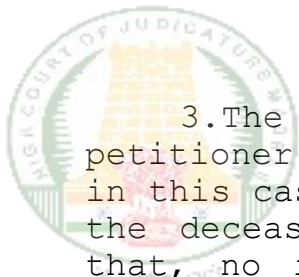
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Cr.No.66 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 478 IPC in Crime No.66 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father, namely Mariappan died on 24.05.2020. But, life certificate, dated 11.01.2021, was issued with the alleged signature of the deceased Mariappan by the petitioner herein. The said life certificate was created by the first accused with help of the second accused for the purpose of grabbing properties of the deceased Mariappan. Therefore, the defacto complainant had given a complaint dated 08.02.2021. However, no case was registered and hence, on 09.02.2021, the defacto complainant sent a complaint through registered post to the Superior Police Officer. Even thereafter, the case was not registered and therefore, the defacto complainant filed a complaint under Section 156(3) Cr.P.C., as per the direction of the Court below, the present case came to be registered. It is specific allegation of the defacto complainant that life certificate of his deceased father was created by A1 with the help of A2.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Believing the words of A1 and on seeing Adhar card of the deceased, the petitioner issued life certificate. Other than that, no illegal act was committed by the petitioner. The life certificate was also produced before the learned Judicial Magistrate, at the time of filing petition. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that FIR was registered only on 03.05.2021 and investigation is in preliminary stage.

5.The Doctor, while issuing life certificate, must personally examine the person for whom the life certificate is to be issued and he should not issue life certificate on the basis of the request made by A1. The allegation against A1 is that he was trying to get life certificate of the defacto complainant's deceased father for the purpose of grabbing his properties. This petitioner is said to have assisted him in this unholy deed.

6.Taking note of the seriousness of the offence and the fact that FIR was registered only on 03.05.2021 and investigation is not completed, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

16/06/2021

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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 INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.6862 of 2021

Date :16/06/2021

GNS

<https://hds.cse.judis.gov.in/CaseDetails.do?appType=CR&caseNo=MD/2021/2P.3C>