



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

Date : 25/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6023 of 2022

WEB COPY

Ramanathan

... Petitioner/Accused Nos.2

Vs

State Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
In Crime No.50/2022.

... Respondent/Complainant

For Petitioner : Mr.Jameel Arasu B,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.50 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 463, 470, 471 and 420 IPC, in Crime No.50 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that one Kaliyammal who is mother of the petitioner has obtained legal heir ship certificate of her husband, namely, Samyayya who was died on 19.01.2021 as if the said deceased Samyayya having two sons namely, Ramanathan and Sivaprakasam (died) unmarried and also wife and daughter. Accordingly, the legal heir certificate was issued as stated above. On the basis of the legal heir certificate, the settlement deed was executed among the family members in respect of the family properties. Subsequently, one Bosedevi claiming to be a wife of Sivaprakasam made an application before the Revenue Divisional Officer, Devakottai for cancelling the legal heir certificate as if her husband status was mistakenly mentioned as unmarried and issued legal heir certificate. Thereafter, the Revenue Divisional Officer has cancelled the said legal heir certificate and therefore, the said Bose Devi has approached the District Registrar to cancel the settlement deed, which was executed among the family members. Hence,



the settlement deed was cancelled and the case was registered by the respondent Police.

3.The learned counsel for the petitioner would submit that one Bose Devi claiming to be the wife of Sivaprakasam has alleged that in the legal heir certificate of her father-in-law Samyayya, her husband was shown to have died without marriage and that she has given requisition to cancel the legal heir certificate, that Revenue Divisional Officer, Devakottai without issuing any notice to the accused, has passed an order dated 17.12.2021, cancelling the legal heir certificate and that on the basis of the directions of the Revenue Divisional Officer, the Sub-Registrar, Devakottai has lodged the complaint and on that basis, FIR came to be registered.

4.The learned Government Advocate (Criminal Side) appearing for the respondent has produced the copy of the complaint as well as the order passed by the Revenue Divisional Officer and whereunder, it is clearly evident that without issuing notice to the respondents therein, the Revenue Divisional Officer has passed the cancellation order.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

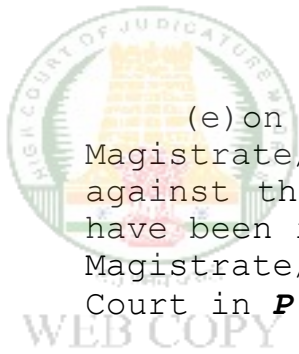
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 for a period of one month and thereafter, as and when required for interrogation.

(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/-
25/04/2022

/ TRUE COPY /

/ /2022
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,
DEVAKOTTAI,
SIVAGANGAI DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6023 of 2022
Date : 25/04/2022

RS/SVR/SAR.4 (04.05.2022) 3P-5C

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