



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 13.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6863 of 2022

Karthick

...Petitioner/Accused No. 3

Vs

The State Rep by,  
The Inspector of Police,  
Thallakulam Police Station,  
Madurai City.  
(Crime No. 139 of 2022)

... Respondent/Complainant

For Petitioner : Mr.Y.Sasikumar, 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.139 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468, 417 and 419 of IPC and Section 66(D) of Information Technology Act, in Cr.No.139 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a retired TSO officer in BSNL, Madurai and her husband Ravi was a retired staff in Union Bank of India, that the said Ravi availed HDFC Life Insurance Policy in his name and put his friend's son one R.Vivek Anand as nominee, that the said Ravi, due to corona, had died on 21.05.2021, that A2, who is the sister of the said Ravi and her family members were able to take hold of the said Ravi's mobile and by using the same, they conspired together and changed the nominee E-mail Id and replaced it with the petitioner's E-mail Id by using the same mobile number to change the insurance account using mobile number of the



deceased by getting OTP, that thereafter they have changed the nominee name from S.Vivek Anand to Hema/A2 and that all the accused had attempted to misappropriate the said insurance amount by forging and manipulating the records of the HDFC Life Insurance Policy.

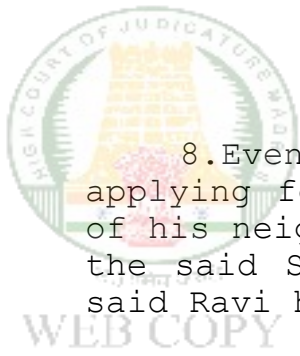
3.The petitioner's case is that the said Ravi was deserted by the defacto complainant immediately after their marriage in the year 1993, that the said Ravi has been residing with his sister's family/the mother of the petitioner herein, that the said Ravi executed his last Will to and in favour of his sister, who is the mother of the petitioner and thereby, bequeathed all his immovable and movable properties, that due to stroke on 13.04.2019, the said Ravi could not fill up the policy document and hence, he asked his neighbour S.Vivek Anand to write the particulars, but the said S.Vivek Anand by putting his name as nominee and thereby impersonated himself as the son of the said Ravi, that the said Ravi while he is alive, sent an E-mail to the HDFC Life Insurance officials and asked them to change the nominee on 19.04.2019 and he revealed his intention of putting his sister's son/the petitioner herein as his nominee in the said E-mail itself, that after the death of the said Ravi on 21.05.2021, A1 sent an E-mail to HDFC officials and he entered into the HDFC portal and changed the nominee by way of inserting his wife/A2's name, who is the beneficiary of the last Will of the deceased and that the de-facto complainant has lodged the above complaint falsely implicating the petitioner herein and other accused.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that he belongs to respectable family in the said locality. He would further submit that the co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD)No.3215 of 2022, dated 09.03.2022.

5.It is clearly evident that after the death of the said Ravi, the defacto complainant and her son have been claiming the assets and properties left by him by alleging that they are the legal heirs of the deceased Ravi and whereas, A2 who is the sister of the said Ravi, has been claiming all the properties left by her brother including the insurance amount by alleging that the deceased Ravi has executed a Will in her favour, bequeathing all his properties.

6.It is pertinent to mention that though both the families have been making claims over the properties of the deceased, while he was alive, he has mentioned one S.Vivek Anand as his nominee in the HDFC Life Insurance Policy.

7.No doubt, the petitioner has produced the copy of the E-mail allegedly sent by the deceased Ravi to the HDFC officials requesting them to change the nominee by replacing the said S.Vivek Anand by



8. Even according to the petitioner, when the deceased Ravi was applying for the HDFC Life Insurance Policy, he had taken the help of his neighbour S.Vivek Anand to fill up the form and at that time, the said S.Vivek Anand by impersonating himself as the son of the said Ravi has mentioned his name as nominee.

9. It is not in dispute that original petition for issuance of succession certificate is pending before the Additional District Court, Madurai.

10. According to the petitioner, the petitioner along with other accused have filed two suits and the same are also pending.

11. The learned Government Advocate (Crl. side) would submit that the investigation is pending.

12. Whether the Will alleged to have executed by the deceased Ravi is true and genuine is the aspect that can only be decided by the competent Civil Court. As of now, there existed rival claims.

13. Considering the above facts and circumstances and also the facts that there existed civil dispute between the parties and consequently, proceedings are pending before the civil Court, that the co-accused were already granted anticipatory bail by this Court and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

14. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Madurai, 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 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/-

13/04/2022

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

sjj

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.II,  
MADURAI.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
- 3 THE INSPECTOR OF POLICE  
THALLAKULAM POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.Y.SASIKUMAR, Advocate ( SR-3382[I] dated 13/04/2022 )

ORDER

IN

CRL OP(MD) No.6863 of 2022

Date :13/04/2022

PKP/VR/SAR-3/21.04.2022/4P/6C