



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/08/2022

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PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)Nos.9701, 9727, 9769 and 12258 of 2022

(1).Crl.OP(MD)No.9701 of 2022:-

1.Veeramani
2.Pugazhenthithi
3.Joseph @ Arun Joseph
4.Arulanantham @ Arulananth :1 to 4 Petitioners/
Accused Nos.7 to 10
Vs.

The State rep.by,
The Inspector of Police,
District Crime Branch Police,
Dindigul District.
(Crime No.17 of 2022) : Respondent/Complainant

For Petitioners : Mr.S.Sarvagan Prabhu, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

(2).Crl.OP(MD)No.9727 of 2022:-

Murali : Petitioner/Accused No.14
Vs.

State of Tamil Nadu rep. Through
The Inspector of Police,
District Crime Branch Police Station,
Dindigul District.
(Crime No.17 of 2022) : Respondent/Complainant

For Petitioners : Mr.M.Karthikeya Venkatachalapathy, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



(3).Crl.OP(MD)No.9769 of 2022:-

1.Amalraj
2.Ramesh
3.J.Moorthy
4.Sivakumar

: Petitioners/Accused No.5,11,12,13

Vs.

The State,
Rep. By the Inspector of Police,
DCB Police Station,
Dindigul District.
(Crime No.17 of 2022)

: Respondent/Complainant

For Petitioners : Mr.S.Sivaprakash, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

(4).Crl.OP(MD)No.12258 of 2022:-

1.Kaliappan
2.Senniyyammal
3.Vellaisamy

:Petitioners/Accused No.3,4 & 6

Vs.

The State rep. By
The Inspector of Police,
Dindigul Crime Branch,
Dindigul District.
(Crime No.17 of 2022)

: Respondent/Complainant

For Petitioners : Mr.M.Eswaran, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

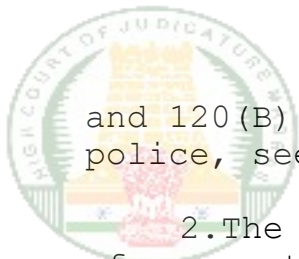
PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2022 on the file of
the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as accused persons
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 406, 420, 464, 467, 468, 470, 471



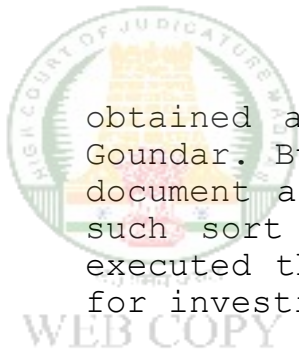
and 120(B) IPC, in Crime No.17 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that a village public property of an extent of 18-1/2 cents is vacant in survey No.572/7 at Ambathurai village. It belongs to the above village people in common. A common well was also installed. Apart from that, a public library and computer office and one Motor and Child Care Centre is also functioning. It is also utilised for common purpose. The above said property was purchased by the village Natamais namely Veerapan Servai, Antonisamy, Gurusamy Gounder and Jeyaraj on 16/08/1961. By forgery, Al-Kariyan name has been included in the patta. The above said Kariyan went back to Malaysia. When he come back to India, in 2019, the accused persons namely A1, A2 and A4 conspired together in order to grab the property. By impersonation, A1 created a document as if he purchased the same, in 1937. He intended to execute a settlement deed in favour of A2, who is the wife, on 02/05/2019. Again A1 and A2 with the help of A4 executed a power deed in favour of A3. By creating the above said document, they try to grab the property, which belongs to the villagers. In fact, A1 went to Malaysia several years back. Even the father of the above said A1, Veera Goundan was also went to Malaysia, where he died, after marrying a lady. Noting the above said fact, they created a document as if Veera Goundan died, on 04/05/2014. By utilising the same, they have also created a forged legal heir certificate, for which all the Revenue officials also colluded with the main accused. In that issue, the Medical Officer, who is A13 is also involved. Based upon the complaint, as per the order of the Judicial Magistrate No.II, Dindigul, the case was registered against 14 persons.

3.Seeking anticipatory bail, all these petitions came to be filed by the petitioners.

4.Heard both sides.

5.The matter was heard by me more than once. The learned counsel who is appearing on behalf of the intervenor is also present before this court. But however, strong objection has been made by the petitioners to the effect that the intervenor is not a competent person to represent the above said de-facto complainant. Later, no intervening petition was filed on behalf of the de-facto complainant. The respondent police, who is the Investigating Officer is also present before this court and he has submitted that during the course of investigation, the de-facto complainant was directed to produce the relevant documents. Further, it is submitted that in respect of the very same property, contemporaneous deeds have been registered. But it has been verified that the father of A1 namely Veera Goundan went to Malaysia long back and died there and not even his body was brought to India. Suppressing the fact that he is



obtained as if A1 is the only legal of the above said /a Goundar. But the father of the A1 name is Veera Goundan. He got the document as if his father name is Veeraiya Goundar and indulged in such sort of the activities. Who is the real owner and who has executed the gift deed in favour of Village Natamais are the matter for investigation.

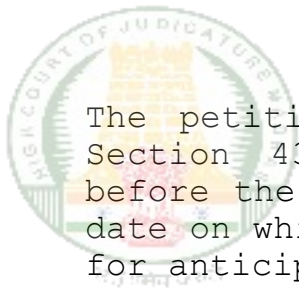
6.The case of the de-facto complainant is that by impersonation, the accused 1 to 3 have created false death certificate, legal heirs certificate.

7.It is the submission of the learned counsel appearing for the petitioners that even from 1936 onwards, the documents are available. The petitioners in Crl.OP(MD)No.9701 of 2022 are only subsequent purchasers. They may not aware of the earlier deed, that took place in 1936 and 1961, etc.

8.Similarly, in Crl.OP(MD)Nos.12258 of 2022, who are arrayed as A3, A4 and A6 are found to be the witnesses for the sale deed, which was executed by A1. A3 is the Power of Attorney Holder. Similarly, A14 who is stated to be a practising Doctor and is working in a Primary Heath Centre, Dindigul and after verifying A1 and A2 through VC, he issued a life certificate. But the contention of the 14th accused cannot be appreciated for the simple reason that life certificate can be issued only on verification of the persons in person. Calling a person through Video Conference, that too when they are living in Malaysia is not at all proper.

9.Whether A14 is also involved in the above said conspiracy is a matter for investigation. He being a Medical Officer working in a Government Hospital, ought to have vigilant, while issuing the life certificate. However, since the identification of the owner is not seriously disputed and the major role that alleged to have played by A1 is not before this court, I am of the considered view that the petitioners can be granted anticipatory bail, of course, with certain conditions.

10.Considering the above facts and circumstances of the case, this court is inclined **to grant anticipatory bail** to the petitioners with certain conditions. 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.II, Dindigul and on each of them executing 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 learned Magistrate concerned and except the petitioner/A14 in Crl.OP(MD)No.9727 of 2022, all the petitioners shall appear before the respondent police daily at 10.00 am until further orders. **The petitioner/A14 in Crl.OP(MD)No.9727 of 2022 being the Medical Practitioner shall appear before the respondent once in a week I.e., every Sunday at 10.00 am until further orders.**



The petitioners shall comply with the condition stipulated in Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

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

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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, DINDIGUL.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL DISTRICT.
- 4.THE INSPECTOR OF POLICE,
DCB POLICE STATION,
DINDIGUL DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

Crl.OP(MD)Nos.9701, 9727, 9769
and 12258 of 2022
Date :01/08/2022

RK/JM/SAR-II (25/08/2022) 5P/6C