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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/07/2022

PRESENT

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

Cr1.OP(MD)Nos.10133 and 10175 of 2022

Kamaraj : Petitioner in
Cr1.OP(MD)No.10133 of 2022/A6

M.Rajasekaran : Petitioner in
Cr1.OP(MD)No.10175 of 2022/A3

Vs.

State rep.by
the Inspector of Police,
District Crime Branch (ALGSC),
Madurai.
(Crime No.15 of 2022) : Respondent/Complainant

For Petitioners : Mr.R.Suresh Kumar

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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



PRAYER:-

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C-24AB.For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A3 and A6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 467, 468 and 471 IPC, in Crime No.15 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the property comprised in Survey No.233/3 measuring an extent of 1 acre and 26 cents at Chinnaboollampatti Village, Peraiyur Taluk belongs to the father of the de-facto complainant. The said property was purchased by the father of the de-facto complainant, by virtue of a registered sale deed, dated 04/08/1969. After the death of his parents, the de-facto complainant and his brother Udaiyasankar alone are the legal heirs. His brother Udaiyasankar expired, on 07/09/2019 without marriage. So, the de-facto complainant



became the sole owner of the property. When that being so, A1 who is the employee of his deceased brother, created a forged legal heir certificate and executed a sale deed in favour of A2 with the connivance of the other accused persons. On the basis of the complaint given by the de-facto complainant, this case has been registered against the accused persons.

3. Heard both sides.

4. The petitioner in CrI.OP(MD)No.10133 of 2022 is one Kamaraj, who is arrayed as A6 and he was working as Sub Registrar in-charge of the Sub Registrar Office, Peraiyur during the relevant point of time. According to him, he only exercised his official duty and except that, he has not involved in the above issue of forgery, etc.

5. Reading of the FIR shows that it is a dispute between the ex-employee and the deceased Udaiyasankar, who is the brother of the de-facto complainant. According to the de-facto complainant, the property absolutely belongs to him and after the death of Udaiyasankar, his wife namely Selvarani has right over



the property. But she has created a forged and fake legal heir certificate. So, it is seen that the main allegation is only against Selvarani, who is shown as A1.

6. Whether the above said legal heir certificate is a forged one or not, is not known to the petitioner/A6, who registered the disputed document. So considering the role that has been alleged by the petitioner/A6, he is entitled for anticipatory bail, since there is no allegation of conspiracy between this petitioner and the other accused persons.

7. The petitioner/A3 in Crl.OP(MD)No.10175 of 2022 of is concerned, he is a practising Advocate, who prepared the document of sale. Like that of the 6th accused, this petitioner/A3 also might not have known the genuineness of the legal heir certificate. The first accused Selvarani has claimed that she is the wife of the deceased Udaiyasankar. But it is the case of the de-facto complainant that he is the only legal heir of the deceased Udaiyasankar. It is a matter for consideration during the course of investigation. But materials have been collected to show that the disputed legal heir



certificate is a forged one. More-over, reading of the disputed sale deed shows that A1 sold the undivided half share subsequent to the death of Udaiyasankar.

8.As mentioned earlier, whether A1 is the legally wedded wife of the deceased Udaiyasankar is a matter for consideration during the course of investigation and trial.

9.Considering the role that has been played by the petitioners and no bad antecedent reported against them, 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 for Anti Land Grabbing Special Court, Madurai 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 the **petitioners shall appear before the respondent police, on every Sunday at 10.30 a.m. until further orders.** The petitioners shall comply with the condition stipulated under 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 petitions for anticipatory bail stands dismissed.

(G I J)
01.07.2022

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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.



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To,

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1. The Inspector of Police,
District Crime Branch,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Cr1.OP (MD) Nos.10133 and 10175 of 2022

01/07/2022



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