



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

Dated: 21/07/2022

PRESENT

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

WEB COPY

Crl.OP(MD)No.12188 of 2022

Ramasamy ... Petitioner/Accused No.2
Vs.

State represented by
The Inspector of Police,
DCB,
Pudukottai District,
(Crime No.18 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.I.Muthaiah, Advocate,

For 1st Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor(Crl.Side)

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

PRAYER:-

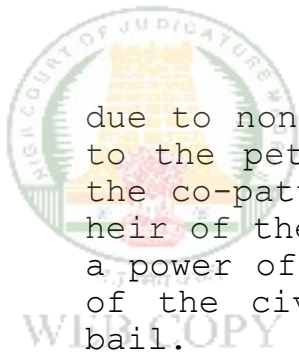
For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 468, 471 and 420 IPC in Crime No.18 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that the property situated in Survey Nos.220/3B/1A and 9917/8 belongs to them ancestrally. But the patta has been wrongly issued by including one Abdul Rahuman Rawthar. The above said Abdul Rahuman Rawthar died without any issue. But the A1 namely Bose created a forged document as if the above said Adbul Rahuman Rawthar died on 07/10/2010 by leaving A4 as his legal heir. Legal heir certificate has also been obtained fraudulently. On the basis of the above said forged legal heir certificate, a power of attorney was executed on 02/06/2010 in favour of Ramasamy and Ranakanickam who are A1 and A2 herein. With the above said allegation, the complaint was lodged.

3.Seeking anticipatory bail A2 has moved this petition on the ground that in respect of the above said property, a suit in O.S No.23 of 2011 was filed by the de-facto complainant and his sister for partition, wherein A4 is not a party. That suit was dismissed



due to non-joinder of Abdul Rahuman Rawathar as a party. According to the petitioner, the above said Abdul Rahman Rawather is one of the co-pattadhars and got share in the property and A4 is the legal heir of the above said Abdul Rahman Rawather and so validly executed a power of attorney. According to him, on the basis of the finding of the civil court, this petitioner is entitled for anticipatory bail.

4. But serious allegation of forgery of government records have been made. During the course of investigation, the above said record was also seized. So the involvement of this petitioner can be brought to light only after thorough investigation. A specific allegation to the effect that with the connivance of this petitioner, the above said legal heir certificate was forged by the above said Bose.

5. So I am of the considered view that this is not a fittest case to exercise the discretionary power in favour of this petitioner. Considering the serious allegation against this petitioner, this petition is liable to be dismissed and the petitioner must undergo the custodial interrogation.

6. In the result, this criminal original petition is **dismissed**.

sd/-

21/07/2022

/ TRUE COPY /

/08/2022

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

ER

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
DISTRICT CRIME BRANCH,
PUDUKKOTTAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12188 of 2022

Date : 21/07/2022

PKP/SVR/SAR-2/01.08.2022/2P/3C