



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

Date : 12/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16724 of 2022

WEB COPY

Kalyana Ramachandran

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No. 34 of 2021).

... Respondent/Defacto Complainant

For Petitioner : M/s. Ajmalkhan S A,
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. 34 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471, 420, 120(B) of IPC in Crime No.34 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Treasurer of the Madurai-Ramnad Diocese, Ramanathapuram District. The Church of South India is having the property as per the transfer deed No.1390/61 situated in Old S.Nos.53/1, New S.No.367/13 at Kadaladi Town, Ramanathapuram District. The accused Gurumoorthy and John Githiyon and this petitioner conspired and they created a forged Natham Adangal and patta as if the property belongs to Gurumoorthy's ancestral property. Based on the document sold the property to the accused John Githiyon, A2. Subsequently, the sale deed was cancelled by the cancellation Document No.480 of 2020 on 24.09.2020. After that John Githiyon created a fraudulent resolution document of deceased Paul Rajswamy Doos based on the resolution Kalayana Ramachandran executed a sale deed on 26.09.2020 in favour of John Githiyon in Document No.484 of 2020. Subsequently, on 21.10.2020 Thanga vel purchased the property in Document No.580/2020



and alleged that the other accused Ravi, Yenok Philip abe re offence, hence, the defacto complainant lodged the complaint as against the accused.

3.The learned counsel for the petitioner submitted that the petitioner is A3 and he is no way connected with the above said crime. A1 and A2 were already remanded and released on bail. The petitioner is a aged person and suffering from heart disease and also paralysis attack.

4.The learned Counsel for Government of Tamil Nadu (Criminal side) submitted that totally five accused in this case. The petitioner is A3. All are involved in fabrication of document in respect of the Church properties. The petitioner executed fake document to A2. The petitioner's overt act is he along with A1 and A2 created forged documents and also sold the same to the A2.

5.Considering the specific allegation that has been alleged against the petitioner, this Court is of the considered view that custodial interrogation is necessary in this case. Therefore, considering the facts and circumstances of this case, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/10/2022

/ TRUE COPY /

/11/2022

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

TO

1. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-11413[I] dated 14/10/2022)

ORDER
IN
CRL OP(MD) No.16724 of 2022
Date :12/10/2022

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<https://www.mca.gov.in/II/04.11.2022/2P/4C>