



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/01/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.19444 of 2021

1.Seeniselvaraj
2.Lakshmana Kumar ... Petitioners/Accused No.1 & 2

Vs.

State rep.by
The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
(Crime No.112/2021) ... Respondent/Complainant

K.Vijaya ... Petitioner/Proposed 2nd Respondent/
Victim
(in Crl.MP(MD)No.11821/2021)

For Petitioners : M/s.S.Ramasamy, Advocate

For Respondent : M/s.M.VAIKKAM KARUNANITHI
Government Advocate (Crl.Side)

For Intervener : M/s.A.Prasanna Rajadurai, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.112 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the alleged offence under sections 465, 466, 467, 468, 471 and 420 IPC, in Crime No.112 of 2021, seek anticipatory bail.



2.The case of the prosecution is that on 28/12/2020 A1 submitted an application through on line for getting joint patta in respect of the property in survey No.53/2. She has also submitted relevant document namely web copy of the order passed by this court in WP(MD)No.12299 of 2020, dated 14/12/2020. On the basis of the above said order, his name was included in the joint patta, by order, dated 31/12/2020 in TR.2020/0103/28/241790. On the basis of the above said order, A1 executed a settlement deed in favour of A2 and thereafter, A2 name was also included in the joint patta. Based upon the complaint given by the Village Administrative Officer, the case has been registered.

3.Seeking anticipatory bail, this petition is filed by the petitioner on the ground that the petitioners are not involved in any such activities of forging the order copy of this court. According to them, the concerned Village Administrative Officer is responsible for the same and he has also given a complaint against the accused persons.

4.According to the learned counsel appearing for the petitioners, 1st petitioner sent a complaint to the Tasildhar, Thoothukudi against the Village Administrative Officer that crop insurance was not properly distributed. Only to wreck vengeance, this case has been given. According to the petitioners, the order passed in WP(MD)No.12299 of 2020, does not relate to the facts and issue, which was filed by one Sundarapandiyan regarding the return of the original educational certificate and that petition was allowed on 08/04/2021. So that matter is not connected to the present issue.

5.The learned Government Advocate (Criminal side) appearing for the respondent would submit that only based upon the forged copy of the order of this court, the joint patta was issued in the name of A1 and who in turn executed the settlement deed in favour of A2. According to him, the only the beneficiary can be responsible for forging the order copy. It is a serious issue, which cannot be lightly taken. So, the petitioners have to undergo trial.

6.The learned counsel appearing for the petitioners would submit that the petitioners are ready to cooperate with the investigation process and their custodial interrogation may not be required.

7.It is not correct on the part of the petitioners to state that the order copy in WP(MD)No.12299 of 2020 is not related to the present issue and that petition was filed by the A1 directing the revenue officials to consider the representation and that was made by the 1st petitioner for issuance of patta. Subsequent to the order only, the joint patta was issued. On the earlier occasion also, it appears that the 1st petitioner moved WP(MD)No.10389 of 2016 seeking



a similar relief and that petition was, dated 22/04/2016 and that was allowed on 13/06/2016.

8.The learned counsel appearing for the petitioners would submit that when there is an earlier order in favour of the 1st petitioner, he need not file fresh petition.

9.Now whatever it may be, the name of the petitioners found place in the order and the learned counsel who was appearing for the petitioner in WP(MD)No.1039 of 2016 is also mentioned as counsel for the petitioner in WP(MD)No.12299 of 2020.

10.The next contention is that even as per the enclosure of the transfer of patta application through on line, it is not stated that the order copy of this court has not been enclosed. Further, reading of the complaint shows that the forgery came to the notice of the Tasildhar, when he visited this court in connection with the above said case. So the contention on the part of the petitioners that only at the instance of the Tasildhar, the Village Administrative Officer has given the complaint is absolutely without any merit. So the contention is rejected.

11.I find absolutely no merit in this petition and hence, the custodial interrogation of the petitioners is very much necessary in this case.

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

Sd/-
11/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. RAMASAMY.S. Advocate SR.No.257

ORDER
IN
CRL OP(MD) No.19444 of 2021
Date :11/01/2022