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Crl.O.P. Nos.2655, 2850, 4042 , 2920  
& 1739 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 22.02.2023

CORAM :

**THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI**

Crl.O.P.Nos. 2655, 2850, 4042, 2920 & 1739 of 2023

Ithayathulla,  
S/o. Abdulkabar

.. Petitioner in Crl.O.P.  
No.2655/2023

1. Anandha Kumar,  
S/o. Ganesan

2. Thanigaimalai,  
S/o. Periyasamy

..Petitioners in Crl.O.P.  
No.2850/2023

Ilayarani,  
W/o. Dinesh Kumar

.. Petitioner in Crl.O.P.  
No.4042/2023

Vignesh,  
S/o. Venkatesan

.. Petitioner in Crl.O.P.  
No.2920/2023



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1. Murugaiyan @ Burma Kannan,  
S/o. Arumugam

2. Manikandababu V.,  
S/o. Vellakannu

..Petitioners in Crl.O.P.  
No.1739/2023

Vs.

The State rep. by  
The Inspector of Police,  
R-8 Vadapalani Police Station,  
Chennai.  
(Crime No.92 of 2022)

... Respondent in  
all Crl.O.P.s

**PRAYER:** Criminal Original Petition is filed under Section 439 of  
Criminal Procedure Code to enlarge the petitioners on bail in Crime  
No.92 of 2022 pending on the file of respondent police.

For Petitioner in  
Crl.O.P.No.2655/2023 : Mr.R.C.Paul Kanagaraj  
for Mr.S.Dharmaraj

For Petitioners in  
Crl.O.P.No.2850/2023 : Mr.S.Dharmaraj

For Petitioner in  
Crl.O.P.No.4042/2023 : Mr.V.S.Dinesh

For Petitioner in  
Crl.O.P.No.2920/2023 : Mr.J.H. Iniyan



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For Petitioners in  
Crl.O.P.No.1739/2023 : Mr.R.John Sathyan,  
Senior Advocate for  
Mr.S.Mohameduduman

For Intervenor in  
all Crl.O.P.s : Mr. M.Elumalai

For Respondent in  
all Crl.O.P.s : Mr.S.Vinoth Kumar,  
Govt. Advocate (Crl.Side.)

### **COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 10.01.2023, 05.01.2023, 29.03.2022, 17.01.2023 and 05.01.2023 for the offence punishable under Sections 465, 467, 468, 471, 420 and 120(B) of I.P.C. in Crime No.92 of 2022 on the file of the respondent police respectively, seek bail.

2. The case of prosecution is that a house property situated at Guduvancherry belonged to one Mrs.Leela and she died leaving behind her legal heirs, two sons (1) Saravanan and (2) Delhi Kumar and one daughter viz., Ms.Ilayarani/A1. While being so, on suppressing the



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existence of her two sons and forging a legal heirship certificate that A1 alone is the legal heir and sold the house property. The other three mediators viz., A2 to A4 have abetted the main accused in forgery and in sale transactions by acting as mediators/brokers. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that A5 and A6 are builders and developers, who are running a private limited company named “Namma Family” and on behalf of their client Mr.Selvakumar, who was the prospective purchaser of the house, they have arranged the sale transaction. He would submit that they are innocent persons and they are no way connected with the occurrence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than a month from on 10.01.2023, 05.01.2023, 29.03.2022,



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17.01.2023 and 05.01.2023 respectively. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the defacto complainant and A1 are brothers and sister. He would submit that the petitioners along with other accused by submitting forged legal heir certificate, grabbed the property belongs to mother of defacto complainant. He would further submit that the petitioners have conspired with other accused and committed the offence. He would submit that if they are released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. The learned counsel appearing for intervenor submitted that as per the order of this court, all the accused are arrested and the document was also cancelled, however, this court directed the respondent police to take action against revenue officials. Hence, he prayed to



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initiate action against revenue officials and also raised objection in granting bail to these petitioners.

6. Today when the matter taken up for hearing, the learned counsel for petitioners would submit that as per the direction of this court, the alleged sale deed was cancelled by the District Registrar (Admn.), Chengalpet by an order dated 20.02.2023 vide proceedings in Na.Ka.No.406/A3/2023 and to that effect, they have produced the copy of the order.

7. On perusal of the said proceedings, it reveals that the other co-accused and the defacto complainant have appeared for enquiry and on perusal of all the documents, the District Registrar has held that the sale deed, which was executed by A1 Ilayarani vide document No.7870/2021 is a forged document and it was created based on a legal heir certificate, which was declared as fake legal heir certificate and subsequently, the legal heirship certificate is directed to be cancelled as per Sec.77(A) of Registration Rules. Accordingly, the sale deed as well as legal heirship certificate were cancelled.



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8. Considering the above facts and circumstances, and also considering the fact that both the sale deed and legal heirship certificate were cancelled and now the investigation almost completed and on considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

9. Accordingly, the petitioners are ordered to be released on bail including the petitioner, who was granted interim bail in Crl.O.P.No.1739 of 2023 vide order dated 01.02.2023, on condition to execute 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 XVII Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



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**(b) the petitioners shall report before the respondent police on every Tuesday and Friday at 10.30 a.m. for the period of three months and thereafter on every Saturday at 10.30 a.m. until the filing of final report ;**

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The XVII Metropolitan Magistrate,  
Saidapet, Chennai.
2. Inspector of Police,  
R8 Vadapalani Police Station,  
Chennai.
3. The Superintendent of Prison,  
Central Prison, Puzhal.
4. The Public Prosecutor,  
High Court of Madras, Chennai.



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**T.V. THAMILSELVI, J.**

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