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Crl.O.P.No.15080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.15080 of 2023

and

Cr.M.P.No.10309 of 2023

Baskar

...Petitioner

Vs.

The State represented by
The Inspector of Police,
CCB-II Police Station,
Chennai.
Crime No.45 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.45 of 2023 for the alleged offence under Sections 465, 467, 468, 471, 120B and 34 IPC on the file of the respondent police.

For Petitioner : Mr.K.Gajendiran

For R-1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

For Intervenor : Mr.B.Jawahar



Crl.O.P.No.15080 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2023 for the offences punishable under Sections 465, 467, 468, 471, 120B and 34 IPC in Crime No.45 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.45 of 2023 for the offences under Sections 465, 467, 468, 471, 120B and 34 IPC. He further submitted that, defacto complainant and petitioner are close relatives. There is some dispute with regard to the property left by Parthasarathi, who is the grand father of petitioner's wife Abirami. Petitioner's wife Abirami also has legal right in the property. However, defacto complainant has given a false complaint. On the basis of the false complaint, petitioner was arrested and remanded to judicial custody on 05.06.2023. Thus, he prays for grant of bail.

3. In response, learned counsel for the intervenor submitted



Crl.O.P.No.15080 of 2023

that, Parthasarathi purchased the land to an extent of 3850 sq.ft in Survey No.55/1B, Old No.4, New No.7, Poonthotham, 2nd street, Pazhavanthangal, Chennai – 600 114 in the name of his 2nd wife Munirathinammal. Parthasarathi has two wives. His 1st wife name is Rajeswari. Muniathinammal has no children. Rajeswari has two sons namely Gopal and Mohanakrishnan. Gopal's wife is Banimathi. Mohanakrishnan has three children namely Krishnan, Geetha and Abirami. After the death of Munirathinammal, her property vested on Parthasarathi. Parthasarathi executed a Will, in respect of this property, giving life interest to Gopal and Banimathi and absolute right to Krishna, son of Mohanakrishnan. Krishna was adopted by Gopal. After the death of Gopal and Banimathi, Krishna became the absolute owner of the property. However, his sister Abirami, claiming herself as daughter of Gopal executed a settlement deed in favour of her husband/petitioner herein namely Baskar on 12.04.2022. In the Settlement Deed, she specifically claimed that, she is the daughter of Gopal. However, in the legal notice issued on 27.10.2020, she claims herself as daughter of Mohanakrishnan. Thus, it is obvious that, only to grab the property, she



Crl.O.P.No.15080 of 2023

claims herself as daughter of Gopal and executed the Settlement Deed.

Petitioner's wife has also fabricated and forged the legal heir certificate.

Thus, he prays for dismissing this petition.

4. The learned Government Advocate (Crl. Side) opposes this petition, on the ground that, investigation in this case is pending. Therefore, he prays for dismissal of this bail petition.

5. Considered the submissions and perused the records.

6. From the perusal of the records in this case, it is seen that Partharasathi had executed a Will on 29.08.1997, bequeathing life interest in respect of property covered in the Will to his elder son Gopal and his wife Banimathi and absolute right to Krishna. The legal heir certificate produced by the defacto complainant shows that, Munirthinammal legal heirs are shown as Parthasarathy, Gopal and Mohanakrishnan. However, the legal heir certificate said to have fabricated by petitioner's wife Abirami shows that, Munirathinammal has Parthasarathy and Gopal alone as legal heirs. In the Settlement Deed



Crl.O.P.No.15080 of 2023

dated 12.04.2022, Abirami claims herself as daughter of Gopal. Whereas, in the legal notice dated 27.10.2020, Abirami claims herself as daughter of Mohanakrishnan. Thus, it is quite obvious that, petitioner's wife created the Settlement Deed with false particulars. However, considering the duration of custody of Baskar/petitioner herein, who is a beneficiary as husband of Abirami, this Court is inclined to grant bail to the petitioner.

7. Considering the fact that, petitioner is in judicial custody from 05.06.2023 and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II Court, Alandur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or



Crl.O.P.No.15080 of 2023

Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Judicial Magistrate No.II Court, Alandur.

2.Puzhal Jail.

3.The Inspector of Police,
CCB-II Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.15080 of 2023

Crl.O.P.No.15080 of 2023

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