



Crl.O.P.No.15592 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely B.Abirami and Krishnamoorthy, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 465, 467, 468, 471, 120B and 34 IPC in Crime No.45 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners are 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 petitioners are close relatives. There is some dispute with regard to the property left by Parthasarathi, who is the grand father of 1st petitioner Abirami. 1st Petitioner Abirami also has legal right in the property. However, defacto complainant has given a false complaint against the petitioners. Apprehending arrest, this petition is filed.

3. In response, learned counsel for the intervenor submitted 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.



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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 Banumathi. 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 Banumathi and absolute right to Krishna, son of Mohanakrishnan. Krishna was adopted by Gopal. After the death of Gopal and Banumathi, Krishna became the absolute owner of the property. However, 1st petitioner, claiming herself as daughter of Gopal executed a settlement deed in favour of her husband 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 claims herself as daughter of Gopal and executed the Settlement Deed. 1st Petitioner 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,



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he prays for dismissal of this 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 Banumathi 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 been fabricated by 1st petitioner Abirami shows that, Munirathinammal has Parthasarathy and Gopal alone as legal heirs. In the Settlement Deed dated 12.04.2022, 1st petitioner claims herself as daughter of Gopal. Whereas, in the legal notice dated 27.10.2020, she claims herself as daughter of Mohanakrishnan. Thus, it is quite obvious that, 1st petitioner created the Settlement Deed with false particulars.

7(i) Considering the facts and circumstances stated above, this Court is not inclined to grant anticipatory bail to the 1st petitioner, Abirami.



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7(ii) However, considering the fact that, there is no specific allegations against the 2nd petitioner and that material investigation might have been over by this time, this Court is of the view that, custodial interrogation of the 2nd petitioner is not necessary and the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Judicial Magistrate II, Alandur**, on condition that the 2nd petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 2nd petitioner and 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 Bank pass Book to ensure their identity.

[b] the 2nd petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;



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[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd petitioner shall not abscond 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

18.07.2023

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