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Crl.O.P.No.20286 of 2023

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Reserved On	07.09.2023
Pronounced On	13.09.2023

RMT.TEEKAA RAMAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 468, 471 and 420 IPC in Crime No.208 of 2023, seek anticipatory bail.

2. The case of the prosecution in brief is that the 2nd and 3rd petitioners represented that they are majors and they executed the sale deed in favour of the *de-facto* complainant and subsequently, they have filed O.S.No.3429 of 2012 on the file of the learned IV Assistant City Civil Court, Chennai by alleging that, on the date of the execution of the sale deed in favour of the *de-facto* complainant, the 2nd and 3rd petitioners herein Viz., Anwar and Rahima Bee are only minors and were studying in the school and hence, the sale deed is void abinitio and the sale has to be declared as null and void and the suit has to be contested, wherein they have produced the school transfer certificate alleged to have been issued by the



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Ellapuram Panchayat Middle School in Vadamadurai, Thiruvallur District from 1996 – 1999.

3. Based upon the said document, the Court has decreed the suit and held that the petitioners/A2 & A3 herein (now major) are entitled for 2/5 share in the partition suit. An appeal is also filed and the same was dismissed. Further, Second appeal in S.A.No.33 of 2023 said to have been filed and pending before this Court. On obtaining the RTI from the said school, it came to light that the said certificate showing the 2nd & 3rd petitioner as minor is bogus and fraudulent and never been issued by their school and hence, the complaint.

4. The learned counsel for the intervenor would contend that the petitioners herein Viz.,Shabeer Basha, H.Anwar and H.Rahima Bee and their family members have fraudulently sold the land and building in 2005 and produced a fake certificate similar to that of the Ellapuram Panchayat Middle School in Vadamadurai dated 09.06.1999, stamped the government school seal as fake and produced the same before the Civil Court, which is marked as



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Ex.P.6. The Court without going into the genuineness of the case has passed the decree in their favour and the same is the subject matter of the CMP.

5. After going through the complaint, the learned counsel for the petitioners would contend that the document is true.

6. The learned Government Advocate (Crl.side) stated that the matter is under investigation.

7. Considering the allegations levied against the petitioners herein, who are all now major and also based upon the RTI reply given by the school dated 22.05.2023, the complaint appears to have been filed and hence, I am not inclined to grant the relief of anticipatory bail for the present with liberty to file a fresh application after some time.

8. Accordingly, this Criminal Original Petition is dismissed.

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