



Crl.O.P.No.22362 of 2023

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C.V.KARTHIKEYAN,J.

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The petitioner/A3, who is today working as Revenue Divisional Officer at Dharmapuri, is before this Court seeking anticipatory bail.

2.It is not known as to why the Investigating Officer is not taking any steps to secure the accused. It is also seen from the First Information Report that the 4th accused has been described as the Deputy Tahsildar at Vaniyambadi and the 13th accused is the Sub Registrar at Vaniyambadi.

3. The brief facts of the case as stated by the learned Government Advocate (Crl.Side) and the learned counsel for the petitioner is that the defacto complainant was legally married to one Mr.M.Bhavani Shankar. The said M.Bhavani Shankar apparently had further relationship with the 1st accused and also had a son and daughter/2nd and 9th accused. He died on 06.06.2013. Taking advantage of the fact that defacto complainant was a lady of quite advanced age, the 1st,2nd and 9th accused had got the legal heirship certificate omitting the 1st accused, though she was the legally married wife of the deceased. Thereafter, based on the legal heirship certificate, which was issued by the petitioner herein in her capacity as a Tahsildar, they also obtained patta and later dealt with the



property.

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4. The learned counsel for the petitioner stated that the petitioner had merely signed the legal heirship certificate on the information given by the Village Administrative Officer and by the Revenue Inspector as to who is in possession and prayed for grant of anticipatory bail.

5. Legal heirship certificate is not granted to anybody who are in possession of the property, but only to those who can claim as legal representatives of the deceased. The defacto complainant/wife of the deceased is a Class I heir. The petitioner herein had omitted her and issued legal heirship certificate and thereby, deprived her from the enjoyment of the property, which had directly affected the defacto complainant. It is hoped that investigation would be taken up with much more competence and the respondent may ensure that proper investigation is done. So far as the present petition seeking anticipatory bail is concerned, since the legal heirship has been a fundamental document on the basis of which further documents had been obtained, the petitioner who is working as a Government servant should have exercised more caution while discharging her duties. It is also informed that the petitioner is



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working as Revenue Divisional Officer at Dharmapuri. This is for the
information of the Investigating Officer.

6.In view of reasons stated above, I am not inclined to grant anticipatory bail to the petitioner herein. Accordingly, this Criminal Original Petition is dismissed.

13.10.2023

mkn2/sli

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