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Crl.O.P.No. 25734 of 2023

**Crl.O.P.No.25734 of 2023
And
Crl.M.P.No. 18495 of 2023**

C.V.KARTHIKEYAN, J.

The intervening Petition in Crl.M.P.No. 18495 of 2023 stands allowed.

2. The petitioners/A12 & A-13 in Cr.No. 01 of 2023 registered under Sections 120-B, 419, 468, 471, 420 and 506(i) of IPC seeking bail.

3. It is stated that they had been taken into custody on 11.10.2023 with respect to an occurrence which had taken place on 23.1.2018. The delay in taking them into custody had been explained by the learned Government Counsel (Crl.Side) by stating that originally a complaint had been lodged before the jurisdictional police and thereafter the investigation had been transferred to CBCID, Thiruvarur. The CBCID, Thiruvarur had taken the present petitioners into custody.



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4. It is the case of the prosecution that the second and third accused are the sons of the first accused. Originally, the property belonged to the father of the first accused, who had executed a Will on 29.08.1987 bequeathing the property in equal shares to the first accused and his brother Raja. It is stated that the said Raja committed suicide on 24.06.2023 and it is the specific case of the prosecution that he died owing to the instigation of the first accused. It is stated that therefore, the first accused consolidated the property in his own name. Thereafter, it is stated that the accused Nos. 1 to 3 had given a Power of Attorney to the fourth accused, who is the wife of the fifth accused. It is further stated that the fifth accused had issued another Power of Attorney to the seventh accused, who had sold the property to the sixth accused. It is further stated that the fourth accused is said to be a Panchayat President of a particular village at Mannargudi. She had filed an application seeking anticipatory bail which was dismissed and she took up the matter before the Hon'ble Supreme Court where the matter was remanded back to this Court. A learned Single Judge, again dismissed the anticipatory bail and thereafter, the Hon'ble Supreme Court had also dismissed it. A review petition and a curative petition were also dismissed. She was



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directed to surrender within a period of two weeks. It is further stated that she had however filed a fresh anticipatory bail before the learned Single Judge. So far as these petitioners are concerned, who are the accused Nos. 12 and 13, it is stated that there are no direct overt acts alleged against them.

5. The learned counsel for the petitioners during the course of his arguments pointed out that the petitioners were not directly or even indirectly involved in any of the transactions mentioned above. It is stated that they were totally innocent of the offences.

6. On the other hand, the learned Government Advocate (Crl.Side) stated that these petitioners had been taken into custody after investigation had been transferred to CBCID. It is stated that the accused No.12 / Karunakaran had a ration card, which ration card was used for preparing a fake ration card and used for impersonation. It is stated that one Rosline, who was the owner but however the name was changed to Revathi and thereafter, it was used for the Registration purposes. It is also stated that the accused No.13 had signed as a witness to an agreement of sale. It is also contended that one Gnanmbal, who was alive was declared to be dead and the accused had also prepared a death certificate, which fake death certificate



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was also used in the course of various transactions.

7. The learned counsel for the intervenor also raised a very strong protest for grant of any relief to the petitioners herein. It is contended that all the accused persons had joined together to cheat the property from the defacto complainant and grab the same.

8. The learned counsel for the petitioners also stated that notice under Section 41-A had not been issued to the petitioners herein and a telephone call was made and the petitioners went over to the respondent office and they were taken into custody. It is stated that the accused Nos. 1 to 3, who had been arrested, had been granted bail. It had also been stated that the sixth accused had been granted anticipatory bail and the seventh accused had been granted bail and the eighth and ninth accused had been granted anticipatory bail and the tenth and eleventh accused had been arrested and later granted on bail. It is therefore contended by the learned counsel for the petitioners that the petitioners herein should also be granted bail.



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9. In the objections filed on behalf of the respondent, it had further been stated that the documents which had been used have now been sent over to the TNFSL for getting expert opinion. It is also stated that the expert opinion on the forged signatures found in the sale agreement and sale deed are also awaited. It is also stated that further investigation will have to be done and therefore, it is contended that taking into consideration that these petitioners had been taken into custody only after considerable period of time, bail should be rejected.

10. I have carefully considered the facts.

11. It is a case where the first accused out of greed for property appears to have gone a great extent to also include his own sons in attempting to grab the property of his father. Had he restrained himself, the property would have naturally devolved on to him.

12. The father had executed a Will on 29.08.1987 giving one half share in the property to the accused and other one half share to the elder



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brother of the first accused, by name Raja. It is seen that now the brother had committed suicide and the allegations are that first accused was responsible for it. That is an aspect which will have to be examined at the appropriate time. But the first accused appears to have dragged his own sons, accused Nos. 2 and 3 into all these aspects. All of them appear to have given a power of attorney to the fourth accused, who is the wife of the fifth accused and thereafter, another power of attorney was given to the seventh accused, who sold the property to the sixth accused. These complicated transactions have directly affected the marketability of the property.

13. The accused No.12, who is the first petitioner herein is said to have given his ration card to the other accused who created a fake ration card. A copy of that is available as a document. It has been stated that the number in that ration card was used to prepared yet another fake ration card.

14. The accused No.13 had signed as witness to the agreement of sale. A witness may not know about the contents of a document but he certainly identifies the parties to the document. If that particular agreement of sale had been executed by impersonation then it is the witness, who should so point it out. Further documents were executed on the basis of a



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death certificate of one Gnanmbal, who was very much alive.

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15. All these allegations will have to be examined and investigated.

I am not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

23.11.2023

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