



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

WEB COPY

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3308 of 2023

Murugan

... Petitioner/Accused No.2

Vs

The state represented by
The Inspector of Police,
District Crime Branch,
Tenkasi.
(Crime No.15 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Niranjana S.Kumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

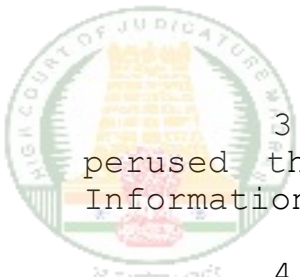
PRAYER :-

For Anticipatory Bail in Crime No.15 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 468 and 471 of I.P.C., in Crime No.15 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Revenue Tahsildar. The defacto complainant had inspected the property in Survey Nos.30/8 and 309D of Thappakudi Village. On such inspection, it revealed that one Joy Joseph had purchased two properties comprised in the above-said survey numbers through a registered sale deed in Document Nos.1954 and 1955 of 1995 from Alagammal. Thereafter, the first accused obtained the death and legal heir certificate as if Joy Joseph had passed away on 05.02.1999. Thereafter, the first accused had executed a sale deed in favour of the second accused and thereafter, the second accused executed a sale deed in favour of the third accused. The revenue records would reveal that the property stood in the name of K.Alagammal in Survey No.30/8 and another Survey No.30/9D stood in the name of Pa.Rathinam and the said survey numbers are sub-divided into 30/8A, 30/8B, 30/8C and 8D. Based on the letter given by the Superintendent of Police, Tenkasi, the death certificate and legal heir certificate of Joy Joseph is confessed as bogus. Hence, the



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that originally the property belonged to one Joy Joseph and he died. Thereafter, the first accused obtained the death certificate and legal heirship certificate of the deceased. On the strength of the said legal heirship certificate, the petitioner herein purchased the said property and sold out the same to the second accused/Murugan, who in turn sold out the same to the third accused/Rajesh, who in turn sold out the same to one Parameswari. The said Parameswari found that there was some disturbance while enjoying the subject land, stating that one Booma Devi claimed the said property as a cultivating tenant, after the death of her husband. She lodged a complaint before the Revenue Tahsildar and the Revenue Tahsildar found that the death certificate and legal heirship certificate of Joy Joseph were forged. The subject land is agricultural land admeasuring 90 cents.

5. It is also further seen that the petitioner without even getting possession of the property simply made a sale deed in his favour and immediately, he sold out the same to Rajesh. It shows that he is behind the entire crime and set out one person as Joy Joseph and obtained a death certificate and legal heirship certificate. That apart, the petitioner is involved in six previous cases and he is also a history-sheeter. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

07/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TENKASI

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NIRANJAN S.KUMAR Advocate SR.No.3638

ORDER

IN

CRL OP(MD) No.3308 of 2023

Date :07/03/2023