



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.03.2023
PRESENT

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

CRL OP(MD).No.4653 of 2023

A.Ilayaraja

... Petitioner/Accused name not in FIR

Vs.

The State represented by
The Inspector of Police,
Lalgudi Police Station,
Tiruchirapalli District.
(In Cr.No.114 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.R.Kishore Ram
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.114 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 420, 465, 466, 468, 471 and 473 of IPC on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.03.2023 the Village Administrative Officer, Mettupatti lodged a complaint that one P.M.Martin approached for change of patta in his name from the name of Mary Saraal, who is the paternal aunt of the said P.M.Martin and has produced a legal heirship certificate, dated 29.05.2010 issued by Tahsildar, Lagudi Taluk in Pa.Mu.4329/2010(a.4), which reflected the name of the said Martin as the sole legal heir and that the defacto complainant knows that the said Mary Saraal had other siblings and also the other siblings also had children and due to the same, the defacto complainant attempted to verify the genuinity of the same and that he came to know that the said legal heirship certificate, dated 29.05.2010 was not issued by the competent authority and that the defacto complainant has enquired the said



Martin and was informed that he obtained the legal certificate from the accused. Hence, the complaint.

3. Heard both sides and perused the materials available on record including the First Information Report.

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4. It is seen that there are totally four accused, in which, the petitioner herein arrayed as Accused No.4. As per the case of the prosecution, one P.M.Martin applied for change of patta, as if he is only a legal heir of deceased Mary Saraal, who is the paternal aunt of Mary Saraal. On receipt of the said application, concerned Tahsildar directed the Village Administrative Officer, Lalgudi, to get a report. On enquiry by the defacto complainant/Village Administrative Officer, it found that the said Martin is not only the legal heirs of P.M.Martin. He also found that other three brothers are there as legal heirs. On enquiry, it is revealed that the said Martin obtained the legal certificate from one Kumaravel and applied for change of patta. However, the respondent did not even implead the said Martin as accused and implicated the accused persons, who had prepared the forged legal heir certificate of deceased and seal of revenue officials. Therefore, custodial interrogation of the petitioner is very much required in this case. Hence, this court is not inclined to grant anticipatory bail to the petitioner. The respondent police is directed to implead the persons, who applied patta and also conduct investigation against them also.

5. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

13/03/2023

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/04/2023

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

VSD

TO

1 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION, TIRUCHIRAPALLI DISTRICT.

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

+1. CC to M/S.KISHORE RAM.K.R. Advocate SR.No.14721 (F)
Dt.13/03/2023.

ORDER IN

CRL OP(MD) No.4653 of 2023
Date :13/03/2023

SA/BUC/SAR.3/12.04.2023/2P/4C

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