



WEB COPY

CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2023

PRESENT

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

CRL OP(MD) . No.6200 of 2023

Mohammad Rabeek @ Mohamed Rafig ... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Tenkasi District.
Cr.No.11/2022.

... Respondent/Complainant

For Petitioner : M/s. S.M.A.Jinnah,
Advocate.

For Respondent : Mr.R.M.Anubunithi,
Additional Public Prosecutor

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

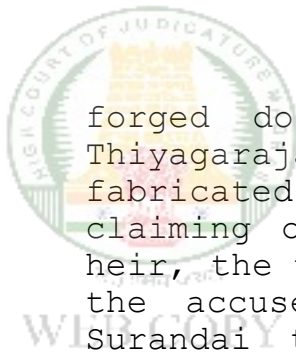
PRAYER :-

For Anticipatory Bail in Crime No.11/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.4,3 and 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 420, 423, 465, 467, 468, 471 and 120B of I.P.C in Crime No.11 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Karumuthu Thiyagarajan Chettiyar had purchased a property in Survey No.248 to an extent of 1.75.37 acres at Ayiurperi Village, Tenkasi District and the same was registered as sale deed No.830 of 1954 dated 09.03.1954. The above said Karumuthu Thiyagarajan Chettiyar passed away on 29.07.1974 leaving behind his only legal heir Karumuthu T.Kannan. The defacto complainant is working as a Manager under the said Karumuthu T.Kannan and he lodged a complaint before the respondent police stating that the accused 1 and 2 had created



forged documents and death certificate of the said :
Thiyagarajan Chettiyar as he had died on 03.05.1986. Based on the fabricated documents, they have obtained a legal heir certificate claiming one Pathmavathy to be his wife and sole surviving legal heir, the vendor Lalitha as his daughter. Further, in collusion with the accused No.7, Abdul Kadar, who is a document writer from Surandai the accused have created the sale deed and sold the property. Hence, the complaint.

3.Heard. Perused the materials available on record, including the First Information Report.

4. The learned counsel for the petitioner would submit that this is the fourth application for anticipatory bail and he would also submit that the co-accused were arrested and released on bail. A perusal of the records reveals that the petitioner is also living in Tenkasi and he only know about the properties owned by the defacto complainant. Even then he also colluded with the other accused persons, fabricated all the documents and purchased the property and infact encumber the properties in his favour. This Court has already dismissed the petitions on earlier three occasions for the reasons that custodial interrogation of the petitioner is very much required. Futher there is no change in circumstances of the case to consider the present anticipatory bail petition even after dismissal of the earlier petitions, hence this court is not inclined to grant anticipatory bail to the petitioner.

5. In the result, the petition stands dismissed.

sd/-

03/04/2023

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/04/2023

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

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TO

1.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION, TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6200 of 2023

Date :03/04/2023