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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 25/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)Nos.13727, 13734 and 14964 of 2023

(1)Crl.OP(MD)No.13727 of 2023:-

1.Dhamodharan
2.Rathinamoorthy

: Petitioners/ Accused Rank Not Known

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.16 of 2023)

: Respondent/ Complainant

Rama Karthikeyan

: Petitioner/ Intervener

In CRL MP(MD).12155/2023 IN CRL OP(MD).13727/2023

For Petitioners : Mr.N.Anantha Padmanabhan, Senior Counsel
for Mr.N.Ananda Kumar, Advocate
For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor
For Intervenor : Mr.M.Dinesh Hari Sundarsan, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.16 of 2023 on the file of the Respondent Police.



(2)CrI.OP(MD)No.13734 of 2023:-

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Anbarasan

: Petitioner/ Accused Rank Not Known

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.16 of 2023)

: Respondent/ Complainant

Rama Karthikeyan

: Petitioner/ Intervener

In CRL MP(MD).12157/2023 IN CRL OP(MD).13734/2023

For Petitioner : Mr.N.Anantha Padmanabhan, Senior Counsel
for Mr.N.Ananda Kumar, Advocate
For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor
For Intervenor : Mr.M.Dinesh Hari Sundarsan, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.16 of 2023 on the file of the Respondent Police.

(3)CrI.OP(MD)No.14964 of 2023:-

R.Senthilkumar

: Petitioner/ Accused No.2

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.16 of 2023)

: Respondent/ Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate
For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor



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

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PRAYER :- For Anticipatory Bail in Crime No.16 of 2023 on the file of the Respondent Police.

COMMON ORDER: The Court made the following order:-

The petitioners, who are arrayed as accused persons apprehend arrest at the hands of the respondent police for the offences punishable under sections 419, 420, 423, 467, 468, 471 and 120 IPC, in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is one of the trustees of Palaniswami Pillai Trust and among the Trustees, Palaniswami Pillai, died without any issue. In memory of Palanisami Pillai, his two brothers namely Muthuswami Pillai and Ponnuswami Pillai established a family Trust called 'T.S.Palanisami Pillai Trust' through a Trust Deed, dated 01/11/1930. They came to know that 1.75 acres of Trust land situated in Survey Nos.49/1A and 49/1C in Thayanoor village, Punganur, Trichy were sold by one R.Venkatachalam, on 22/02/2023 in favour of one R.Senthilkumar. The above said Venkatachalam claims to be the son of one Jambulingam. By wrongly mentioned his name as Jambulingam @ Rajalingam, the above said sale has been effected. They have created bogus death certificate of Jambulingam and obtained legal heirs certificate. The current Trustees



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are administrating the Trust properties. The above said Venkatachalam, the impersonator and R.Senthilkumar, the buyer entered into a criminal conspiracy, fabricated the above said document. On the basis of the complaint given against two persons namely Venkatachalam and Senthilkumar, this case has been registered as stated above.

3. During the course of investigation, the involvement of Dhamodharan, the petitioner in Crl.OP(MD)No.13727 of 2023 came to light, who is also implicated along with other accused. Similarly, the involvement of one Anbarasan, who is the petitioner in Crl.OP(MD)No.13734 of 2023 is also came to the knowledge.

4. Seeking anticipatory bail, all the persons filed these petitions.

5. Heard both sides.

6. So far as Dhamodharan is concerned, the learned Senior counsel appearing for the petitioner in Crl.OP(MD)No.13727 of 2023 would submit that he is the Village President and no-way involved in the above said fabrication of records. He is ready to undergo any condition that may be imposed upon by this court and he is also ready to appear before the respondent police and share the information and cooperate with the completion of process of investigation. So, absolutely, he has been falsely implicated due to political. He did not derive any benefit out of the above said alleged illegal transaction. On the date of the registration of the disputed document,



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he went to the same Sub-Registrar Office, for the registration of some documents of purchase. Simply because, he was present in the above said Sub Registrar office, he was implicated.

7. So far as R. Senthilkumar is concerned, he has shown as A2, who alleged to have purchased the property from A1. According to him, he is a bona fide purchaser for value without notice.

8. So far as Anbarasan is concerned, it is stated by him that he is the driver working under the above said Dhamodharan, who is the President of the Punganur Village. Based upon the confession statement of A1, he has been wrongly implicated.

9. Per contra, the learned counsel appearing for the de-facto complainant would submit that it is the private trust property in memory of their own brothers as noted above. One of the brothers died without any issue at the younger age. Some sort of enquiry was made in the village as to whether the trust property can be sold and some of the persons are involved in selling of the trust properties. So, they made a thorough enquiry and also obtained Encumbrance Certificate. At that time only, they came to know about the illegal activities. So far as the involvement of Dhamodharan is concerned, CCTV footage was taken during the time of registration of the document, which shown the presence of Dhamodharan in the Sub Registrar office. So this created suspicion. More over, knowing fully well that it is a trust property with



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the connivance of the Village Administrative Officer, all the documents namely death certificate and legal heir certificates have been created. So according to him, even an ordinary person cannot know that these documents are bogus in nature. It has been created in such a way to reassemble the genuine document. So according to him, since large scale conspiracy is involved to grab the trust property, a thorough investigation is required by subjecting all the persons to custodial interrogation. He has also produced various documents and RT reply that has been obtained.

10. Per contra, as stated above, the learned Senior Counsel appearing for the petitioner namely Dhamodharan would submit that absolutely, he is not involved in the above said crime and only out of political motive, he has been wrongly implicated.

11. The learned Additional Public Prosecutor also supported the de-facto complainant in his argument. The learned Additional Public Prosecutor has also produced the genealogical table.

12. When repeated enquiry was made by me with the learned Senior counsel appearing for the petitioners, he would submit that absolutely, no benefit was derived by the first petitioner. If we take that on the date of the alleged registration of the disputed document, Dhamodharan went to the Sub Registrar office for some other document registration, whether it is only mere a co-incident or not is a matter of



investigation. The reason being that A2-Senthilkumar is a close relative of Dhamodharan. Anbarasan is the driver of Dhamodharan. He ought to have made enquiry with regard to the presence of those persons in connection with the above said registration. So, it cannot be taken as mere co-incident. It is a matter for thorough investigation as how the above said impersonation, fabrication of Government records have taken place. Unless all the petitioners are subjected to custodial interrogation, the truth will not come out.

13. For all the reasons stated above, I find no reason to entertain all the petitions and accordingly, they are dismissed.

sd/-
25/08/2023

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/09/2023
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, TRICHY DISTRICT.

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



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ORDER
IN

Crl.OP(MD)Nos.13727, 13734 and 14964 of 2023
Date :25/08/2023

RS/DD/SAR-(11.09.2023) 8P 3C
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