



CRL OP(MD). No.15280 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15280 of 2023

Sethuraman

... Petitioner/ Accused No.2

Vs

State Rep.by

The Inspector of Police,

ALGSC/District Crime Branch,

Ramanathapuram District.

Crime No.3 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Murugan, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

For Intervener : Mr.S.Atham Ali, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 465, 468, 471, 420 and 120-B of IPC, in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner and the other accused is that without having any valid title, they executed a document. Originally the property in question belonged to a person namely, Chinnammal. She had two sons. Namely, Balusamy



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and Velusamy. Balusamy is the father of the defacto complainant herein. After the demise of said Chinnammal, they partitioned the property and each received a share of 70 ½ cents through registered partition deed dated 22.03.1990. The petitioner impersonated said Chinnammal and forged a document related to 70 ½ cent belongs to Balusamy, which led to the execution of a power of attorney in the petitioner's favour. Later, the petitioner and the other accused persons dealt with the property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this is the second anticipatory bail application. Earlier application filed by the petitioner was dismissed by this Court. Now the petitioner is suffering from various ailments. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the allegation against the petitioner and other accused is that without having any valid title, they executed a document by impersonation. Hence, there is specific overt act as against the petitioner and the other accused.

5.It is the case of impersonation. The earlier applications that were filed by the petitioner came to be dismissed by this court. Last application was hearing in Crl.O.P. (MD).No.8224 of 2023. At that time, the co-accused namely A4 and A5 were



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intervened and stated that really they are the affected parties. The petitioner alleged to have been cheated Rs.60 lakhs for selling the above said property, which is not belonged to him. The purchaser is ready to cancel the document. So far as defacto complainant is concerned the property is belonged to defacto complainant's mother. Taking advantage of the similarity of the name, by impersonation the present offence stated to have been committed.

6. Offence of impersonation cannot be taken lightly. Even though the learned counsel for the petitioner submitted that co-accused has been granted anticipatory bail, even the petitioner is facing several ailments, and the purchaser is ready to cancel the document, this Court is not inclined to grant anticipatory bail to the petitioner.

7. In spite of repeated dismissal the respondent has not taken any steps to secure the petitioner. Unless the petitioner is subjected to custodial interrogation, the truth will not come out. I find no reason to entertain this petition.

8. Accordingly, this criminal original petition stands dismissed.

sd/-
13/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE INSPECTOR OF POLICE, ALGSC/DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.V.MURUGAN, Advocate (SR-12669[I] dated 23/08/2023)

ORDER
IN

CRL OP(MD) No.15280 of 2023
Date :13/09/2023

RS/DD/SAR-(17.10.2023) 4P 4C
Madurai Bench of Madras High Court is issuing
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