



Crl.OP(MD)No.15359 of 2023

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

Date of Reserved : 27/09/2023

Date of Pronounced : 06/10/2023

PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.15359 of 2023

1.B.Aavudaiatchi
2.G.Seeniammal
3.P.Mariammal
4.B.Renganayagi
5.R.Gomathi
6.V.Velraniumalakshmi
7.E.Mohan
8.K.Palraj

: Petitioners / Accused No.1 to 8

Vs.

1.State represented through
The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal,
Virudhunagar district.
(Crime No.261 of 2023)

: 1st Respondent / Complainant

2.Krishnasamy
(R2 is suo motu impleaded, as per the
order of this court, dated 23/08/2023 in
CRL OP(MD) No.15359 of 2023)

: 2nd Respondent



Crl.OP(MD)No.15359 of 2023

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For Petitioners : Mr.M.Kannan, Advocatw
For Respondent No.1 : Mr.S.Manikandan
Government Advocate (Criminal side)
For Respondent No.2 : Mr.C.Susikumar, Advocate

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

PRAYER:-

For Anticipatory Bail in Crime No.261 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 to A8 apprehend arrest at the hands of the respondent police for the offences punishable under sections 419, 420, 463, 465, 466, 468 and 471 IPC, in Crime No.261 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 the property situated in Survey No.755/10 measuring about 2 Acres 82 cents originally belongs to his relative by name Karuppaiah Thevar. He died in 1988 without any marriage and issue. One Sadaichiammal is the only legal heir of Karuppaiah Thevar. She was



Crl.OP(MD)No.15359 of 2023

enjoying the property by inheritance. In 2015, she settled the same in favour of her daughter by name Velrani by a registered document. Velrani became the owner of the property. Revenue records were also mutated in her name.

3.The persons namely B.Aavudaiatchi, G.Seeniammal, P.Mariammal, B.Renganayagi, R.Gomathi, V.Velraniumalakshmi, E.Mohan and K.Palraj, who are noway connected with the above said property, created four registered documents. So, the de-facto complainant gave a petition before the District Registrar, on 24/11/2021 seeking cancellation of the document. During the course of enquiry, it was found that a fake certificate was produced. The fake certificate reads that Muthusamy Thevar had several legal heirs namely Velammal, Shanmugammal, Karuppayye, Karuppaiah and Krishammal. A fake Death Certificate has also been created as if Sadachi Ammal died in 2015 itself. The District Registrar also cancelled the settlement deed, dated 31/12/2015 bearing registration Nos.145/2016, 146/2016, 147/2016 and 148/2016. In that order, it has been clearly stated that the above said Death Certificate, Legal-heirs certificates are fake. On the basis of the above said complaint given by the de-facto complainant, a case in Crime No.261 of 2023 was registered for the offences stated above.

4.Seeking anticipatory bail, this petition has been filed by all the accused persons. The de-facto complainant also intervened through his Advocate and also



filed typed set of papers.

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5.Heard both sides.

6.The genealogical table is also produced, wherein, it has been stated that the property originally belongs to one Muthusamy Thevar. Karuppaiah Thevar is the son of Muthusamy Thevar. Muthusamy Thevar had five childrens, namely Velammal, Shanmugammal, Karuppayye, Karuppaiah and Krishammal. The persons mentioned as the sister of Karuppaiah Thevar is not actually the sister. But the grand-daughter of Muthusamy Thavar through the first daughter namely Velrani. Sadaichiammal had a female child namely Velrani. So according to the petitioners, the complaint that the property originally belonged to Karuppaiah Thevar and he had only one sister namely Sadaichiamal is not correct.

7.It is seen that factual aspects are involved in this matter. Who are the real legal-heirs can be resolved, either by way of filing proper civil suit or by way of investigation. Even though, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench, no settlement could be arrived between the parties.

8.Even though, the de-facto complainant present before this court and admitted that the accused persons namely the petitioners herein are also the joint pattadhars and they sold and settled the property belonged to them, now they are



Crl.OP(MD)No.15359 of 2023

claiming right over the properties belongs to him. Even, a suggestion that was made by this court to measure the property did not find favour with the parties.

9.No doubt that the legal-heirs certificate and the death certificate are per se illegal. But, who obtained the above said legal-heirs certificate and death certificate are the matter for the consideration by the Investigation Officer. Since, complicated question of facts are involved, I find no reason to dismiss the petition.

10.But for the benefit for both sides, anticipatory bail is granted to the petitioners by asking them to appear before the respondent police and cooperate with the police to complete the process of investigation. If during the course of investigation, if the respondent police feels that the custodial interrogation of the petitioners are required, then the respondent is at liberty to move the concerned jurisdictional court for appropriate orders.

11.In view of the above facts, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sivakasi and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30



Crl.OP(MD)No.15359 of 2023

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am-until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
06/10/2023

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

ER

To

1.The Judicial Magistrate No.II,
Sivakasi.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.KANNAN, Advocate (SR-14894[I] dated 10/10/2023)



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Crl.OP(MD)No.15359 of 2023

ORDER

IN

CRL OP(MD) No.15359 of 2023

Date :06/10/2023

ED/DD/SAR- (13/10/2023) 7P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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