



CRL OP(MD). No.17640 of 2023

WEB COPY

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

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. R.Karuppaie,
2. P.Ganapathiammal,
3. Maheshwari,

... Petitioners/ Accused Nos. 1 To 3

Vs

**State Rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No. 472 of 2023)**

... Respondent/ Complainant

For Petitioner : M/s.Velmurugan.J,Advocate.

**For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.472/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections (*)420, 465,468,471 of IPC in Crime

No 472 of 2023 on the file of the respondent police, seek anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that the accused persons prepared forged legal heir certificate. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the above said land belongs to A1 and the legal heir certificate was obtained in the year 2001 and she also obtained patta and under these circumstances the defacto complainant has no legal right over the property. Therefore, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the accused persons prepared fake legal heir certificate, hence she objected to grant anticipatory bail to the petitioner.

5. The case is that the petitioners obtained forged legal heir certificate vide proceedings in ந.க.ஆ.1 /1968/2023 நாள்: 01.06.2023. Further in the proceedings of the Revenue Divisional Officer in ப.மு.ஆ.6/9749/2022 நாள்: 23.03.2023, it is categorically stated that for the relevant period the records were not available in the office and it is also to be noted that the Tahsildhar who has signed in the alleged legal heir certificate was not examined to find out whether the alleged legal heir certificate was signed by him or not. Further in the proceedings itself it has been stated that Revenue Divisional Officer has ordered to conduct enquiry with regard to the signature of the



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Tahsildhar and thereafter to take action, but in this case without examining the Tahsildhar the case has been registered as though the petitioners have prepared fake legal certificate.

6. Considering the facts and circumstances of the case and also the considering all other aspects this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kovilpatti on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall appear before the trial Court on summons

[c] the petitioners shall not tamper with evidence or witness either during



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investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2023

(*)Amended as per order of the court dated 20/10/2023 in CrI MP(MD)No. 15118 OF 2023 IN CRL OP(MD)No. 17640 of 2023 by VSGJ

Further two weeks time is granted to comply with the conditions from the date of receipt of a copy of this order.

/ TRUE COPY /

/10/2023

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

AAV

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/10/2023 ALREADY DESPATCHED



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- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARAVANAN, Advocate (SR-15496[I] dated 20/10/2023)

ORDER
IN
CRL OP(MD) No.17640 of 2023
Date :09/10/2023

PKP/DD/SAR- /12.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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AAV
PKP/VRS/SAR- /26.10.2023/ 5P/ 6C