



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

Date : 03/01/2023

PRESENT

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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . Nos.23044,23046 and 23047 of 2022

Mohammad Rabeek @ Mohamed Rafig ... Petitioner/Accused No.4
In Crl.O.P (MD)No.23044/22

Pounraj ... Petitioner/Accused No.3
In Crl.O.P (MD)No.23046/22

Abdul Kadar ... Petitioner/Accused No.5
In Crl.O.P (MD)No.23047/22

Vs.

State represented by
The Inspector of Police,
District Crime Branch Police Station,
(Anti Land Grabbing Special Cell)
Tenkasi, Tenkasi District
(Crime No.11 of 2022)

... Respondent/Complainant
in all petitions

For Petitioner : Mr.S.M.A.Jinnah, Advocate
in Crl .O.P.(MD)No. 23044 of 2022

Mr.K.Suresh, Advocate
in Crl OP(MD)No.23046 of 2022

Mr.T.Indrachithu, Advocate
in Crl OP(MD)No.23047 of 2022

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor
in all petitions

For Intervenor : Mr.V.R.Shanmuganathan, Advocate
In all petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 11 of 2022 on the file of
the respondent Police.

<https://www.mca.gov.in> COMMON 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.

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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 Karumuthu 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.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that A4 along with A3 had jointly purchased the above property from A1 and they had also registered the same before the Joint No.I, Sub Registrar, Tenkasi without knowing the real fact. He would further submit that the co-accused were already released on bail by the learned Special Court for Land Grabbing Cases, Tirunelveli. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that there are eight accused involved in this case and the petitioners are arrayed as A3, A4 and A5. The accused had entered into a criminal conspiracy and created forged documents (death certificate and legal heir certificate) and based on that created forged sale deed and sold the property of the defacto complainant. The investigation is still pending and the custodial interrogation of the petitioner is very much necessary in this case. He would further submit that this Court by order dated 10.11.2022 dismissed the applications for anticipatory bail filed by the present petitioners in Crl.O.P(MD)Nos.19438, 19520 and 19481 of 2022. Hence, he prays for dismissal of these applications. He would also submit that the petitioner in Crl.O.P(MD)No.23046 of 2022/A3 was arrested and remanded to judicial custody and there is no change of circumstances after the earlier dismissal.



5. The learned counsel for the intervenor vehemently opposed the grant of anticipatory bail to the petitioners in CrI.O.P.(MD) Nos.23044 and 23047 of 2022.

6. Considering the gravity and nature of the offence and also considering the fact that this Court has already dismissed the anticipatory bail applications filed by the petitioners stating that custodial interrogation of the petitioners may be necessary in this case, this Court is not inclined to grant anticipatory bail to the petitioners in CrI.O.P.(MD) Nos.23044 and 23047 of 2022.

7. In fine, since the first accused was arrested and remanded to judicial custody, CrI.O.P(MD) No.23046 of 2022 is dismissed as infructuous. CrI.O.P(MD) Nos.23047 and 23044 of 2022 are dismissed.

sd/-

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/01/2023

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

CM

TO

- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
TENKASI DISTRICT.
- 2 THE INSEPCTOR OF POLICE
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL)
TENKASI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.JINNAH.S.M.A ---, Advocate (SR-111[I] dated 04/01/2023
+1 CC to M/s.T.Indrachithu, Advocate (SR-185[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) . Nos.23044,23046
and 23047 of 2022

Date :03/01/2023

PKP/BUC/SAR-2/25.01.2023/3P/6C