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CrI.O.P.No.602 of 2024

C.V.KARTHIKEYAN, J.

The petitioner/A5 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 r/w Section 34 of IPC in Crime No.8 of 2021 on the file of the respondent, seeks anticipatory bail.

2.The entire issue surrounds the property belonging to one Eshwara Pillai at S.No.1219/1, Plot No.102, Thanigachalam Nagar, Madhavaram Village. It is stated that the said Eshwara Pillai had three legal heirs and all of them were residing in USA. The defacto complainant is the father-in-law of one of the legal heirs and also Power of Attorney of all the three legal heirs. It is stated that taking advantage of the absence of the legal heirs, the accused had created a forged Death Certificate of Eshwara Pillai and a forged Legal Heirship Certificate of Eshwara Pillai and on the basis of those documents, had conveyed the property through A3 and later by a Power of Attorney through A1 to A2. It is stated that A4 and A6 had signed as witnesses to those documents.



3.The learned counsel for the petitioner stated that the petitioner is innocent of all the offence and that he had not signed any of the documents as witness and that therefore the Court should consider the petition seeking anticipatory bail of the petitioner herein. It is also contended that he is working in Metropolitan Transport Corporation as Manager and it is stated that ever since the First Information Report came to be registered, the petitioner had been, in the words of the learned counsel, “roaming around” and could not go to office.

4.The learned Government Advocate (Criminal Side) for the respondent, however, strongly objected to grant of any relief to the petitioner.

5.The matter had been adjourned for the respondent to file a further counter affidavit, specifically mentioning about the role of this petitioner and as to how the name of this petitioner had surfaced during the course of investigation.

6.It is stated that A2 had been arrested and he had given a



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confession statement, wherein he had stated about the role of this particular petitioner and that the other accused namely, Rajeswari and Kavitha had been produced by this petitioner to impersonate as legal heirs. It had been stated that they were already in possession of forged death certificate and also fake legal heirship certificate and therefore, it was stated that the Power of Attorney document could be easily executed. A4 and A6 who had signed as witnesses to the said documents had been issued with notices under Section 41(A) of Cr.P.C., and in their statements, they had mentioned that this petitioner has been the central person in the entire planning of trying to grab the lands of Eshwara Pillai to the disadvantage of the actual legal heirs.

7.I have to wonder to myself as to how the name of this petitioner could have surfaced in the minds of A2, A4 and A6. If according to the learned counsel for the petitioner, the petitioner is actually a stranger, then there was no necessity for all of them in unison to state about this particular petitioner.



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8.The learned counsel stated that no material had been produced to show that it was this petitioner who had approached the revenue officials to obtain the forged documents. That can be decided only when the petitioner is interrogated. The petitioner could be interrogated only when he physically appears before the respondent. The petitioner can physically appear before the respondent only when the anticipatory bail application is dismissed. It would also give him a relief that he need not “roam around” and give him some peace that he could be settle in one place.

9.Observing as above, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

27.02.2024

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