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CrI.O.P.Nos.9924, 11175, 11289 & 11294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 08.05.2024	PRONOUNCED ON 04.06.2024
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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

CrI.O.P.Nos.9924, 11175, 11289 & 11294 of 2024

CrI.O.P.No.9924 of 2024

Madhu Srinivas

... Petitioner

Vs

State by:

Deputy superintendent of Police,
Organized Crime Unit-II,
Crime Branch CID,
Egmore, Chennai.
(Crime No.5 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail, in the even of his arrest in Crime No.5 of 2023 on the file of Deputy Superintendent of Police, Organized Crime Unit-II, Crime Branch CID,Egmore, Chennai.

For Petitioner : Mr.A.Nagarajan
for Mr.K.R.Ramesh Kumar

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

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CrI.O.P.No.11175 of 2024

Aaron Kumar

... Petitioner

Vs

The State rep by,
The Inspector of Police,
CBCID-OCU-II,
Chennai-08.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail, in connection with the Crime No.5 of 2023 pending investigation on the file of the respondent.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

CrI.O.P.No.11289 of 2024

G.Sowmiya @ Fathima Christy @ Christy Raj

... Petitioner

Vs

The State of Tamil Nadu,
represented by the Deputy Superintendent of Police,
Organised Crime Unit-II,
Crime Branch CID,
Egmore, Chennai – 600 008.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to



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enlarge the petitioner on bail, in Crime No.5 of 2023 on the file of Deputy Superintendent of Police, OCU-II, CBCID, Egmore, Chennai-600 008.

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For Petitioner : Mr.Rupert Bernabas
for Mr.J.Selvarajan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

Crl.O.P.No.11294 of 2024

R.Akila

... Petitioner

Vs

The State of Tamil Nadu,
represented by the Deputy Superintendent of Police,
Organised Crime Unit-II,
Crime Branch CID,
Egmore, Chennai – 600 008.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., to enlarge the petitioner on bail, in Crime No.5 of 2023 on the file of Deputy Superintendent of Police, OCU-II, CBCID, Egmore, Chennai-600 008.

For Petitioner : Mr.Rupert Barnabas
for Mr.J.Selvarajan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

COMMON ORDER

All these Petitions have been taken up together as they all arise out of a



single Crime number on the file of the respondent Police.

2. Heard Mr.A.Nagarajan, learned counsel for Mr.K.R.Ramesh Kumar, learned counsel, Mr.R.Sankarasubbu, learned counsel and Mr.Rupert Barnabas, learned counsel for Mr.J.Selvarajan, learned counsels appearing on behalf of the petitioners in the respective Criminal Original Petitions and Mr.S.Santhosh, learned Government Advocate (Crl.Side) appearing on behalf of the respondent in all Criminal Original Petitions.

3. The facts revolve upon a property belonging to one Gnana Shanmugam. One P.R.Sowmiya had originally filed a complaint as against one Kathirvelu and others in Crime No.448 of 2015 alleging, the lands which belong to the said Gnana Shanmugam had been sold fraudulently by one Kathirvelu. The said Crime Number had also culminated into C.C.No.68 of 2022 on the file of the Special Court for Exclusive Trial for Land Grabbing cases. The said Kathirvelu had filed Criminal O.P.No.15821 of 2022 to call for the records pertaining to the Charge Sheet in C.C.No.68 of 2022. Pending the same, one other person claiming to be Sowmiya, wife of deceased Gnana Shanmugam had also filed an application to implead. It is to be noted that both the Sowmiya ie., P.R.Sowmiya and G.Sowmiya had claimed to be the



wife of Gnana Shanmugam and the Kathirvelu, claimed himself to be the brother of the said Gnana Shanmugam.

4. On hearing the application for impleading, this Hon'ble Court felt that a further investigation had to be carried out by a Special Team formed by the Additional D.G.P., C.B.C.I.D. in view of the multiple claims, that too two specific claims of two individuals claiming themselves to be Sowmiya, wife of Gnana Shanmugam. These Criminal O.Ps. were directed to be listed on 25.04.2023. Pursuant to the directions issued by this Court by proceedings dated 09.05.2023, ADGP, CBCID, had transferred the case to its file and had assigned Crime No.5 of 2023 and thereafter, after investigation, the petitioners in Criminal O.P.Nos.11175, 11294 and 11289 of 2024 were taken into custody and they have filed an application seeking bail and the petitioner in Criminal O.P.No.9924 of 2024 had sought for Anticipatory Bail.

5. Mr.Rupert Barnabas, learned counsel appearing on behalf of the petitioners in Criminal O.P.Nos.11294 of 2024 and 11289 of 2024 would contend that the petitioner in the later is the wife of Gnana Shanmugam and



the said Gnana Shanmugam had executed a Will dated 23.01.1980, bequeathing his properties in favour of his wife. One Kathirvelu had fraudulently transferred the Patta of the property bequeathed to her and therefore, appropriate proceedings were initiated by her before the Revenue Divisional Officer, Tambaram, who by order dated 10.06.2003 had cancelled the Patta in favour of the said Kathirvelu and directed issuance of Patta in her favour. However, the DRO, Kancheepuram, without even issuing notice to her had set aside the order passed by the RDO, Tambaram. He would submit that the said Kathirvelu had fabricated various documents to usurp the property. However, one P.R.Sowmiya, taking advantage of the similar name of the later petitioner, on the strength of the Will executed by her husband, had approached the Police by filing a complaint against Kathirvelu, which had also been culminated into C.C.No.68 of 2022. Challenging the same, the said Kathirvelu who has been arrayed as accused No.1, had approached this Court by filing Criminal O.P.No.15821 of 2022. Having known about the pendency of such proceedings, the petitioner in the later O.P. had approached this Court to implead herself, as she is the wife of Gnana Shanmugam and not the *de-facto* complainant. While hearing the said matter, the learned Judge having found that two different persons have claimed to be the wife of



Gnana Shanmugam had directed the Additional D.G.P., C.B.C.I.D to take up further investigation by forming a Special Team. He would submit that the Special Team without properly investigating the case, based upon a Forensic study, which was also not been provided to them, had taken a view that both the de-facto complainant and this petitioner were not the wife of the Gnana Shanmugam, as the documents filed by them to substantiate their claim has been found to be forged. In view of the same, both the petitioners were taken into custody by the respondent Police.

6. He would submit that the said Forensic Report had not been supplied to them. He would further submit that based on the aforesaid forensic Report, the respondent Police are trying to shield the said Kathirvelu and proceed as if one Kamala was the wife of Gnana Shanmugam and not Sowmiya and thereby creating a new false case to rope in the petitioner, who is the original wife of Gnana Shanmugam. He would further submit that the documents produced by the petitioner are all true and genuine documents. He would further submit that as far as the petitioner in the former case, she being related to one Raman, who has been arrayed as third accused. She had been taking care of the petitioner in the later O.P. as she was ill. She has no role in any



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criminal activity nor does she know that the said Sowmiya had owned properties. He would submit that for no reasons, the petitioner in the former O.P. is sought to be roped in. He would further submit that both the petitioners are aged and have medical conditions for which they had to take regular treatment outside and therefore, would seek them to be enlarged on bail.

7. Mr.R.Sankarasubbu, learned appearing on behalf of the petitioner in Criminal O.P.No.11175 of 2024 would submit that the petitioner had been roped in as an accused on the allegations that he had been instrumental in helping one P.R.Sowmiya. He would submit that the said P.R.Sowmiya had been introduced to him by a well-known person and that considering her position, the petitioner had helped her. However, it has been alleged that he was very much instrumental in fraud being played upon by impersonating one P.R.Sowmiya to claim herself to be the wife of Gnana Shanmugam based upon which valuable properties belonging to Gnana Shanmugam were sought to be illegally taken over by them. He would submit that the petitioner is a law-abiding citizen and a Pastor carrying on religious activities and he has nothing to do with the alleged criminal activities. He would further submit



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that even after a period of one year, no conclusive investigation had been made by the respondent Police. Hence, he would seek, this Court to enlarge him on bail.

8. Mr.A.Nagarajan, learned counsel appearing for the petitioner in Criminal O.P.No.9924 of 2024 would submit that it is the case of the prosecution that the petitioner had helped one P.R.Sowmiya in fabricating various documents to grab the property of one Gnana Shanmugam. He would submit that one P.R.Sowmiya had approached him to deal with the property belonging to her husband claiming to have inherited the same by way of a Will executed by her husband Gnana Shanmugam. It was also brought to his knowledge that a Suit in O.S.No.153 of 2015 is pending on the file of the DMC, Tambaram, in respect of the property and also that an F.I.R. in Crime No.448 of 2015 was also pending. Hence, he had suggested that he could help her to deal with the property only after the disposal of the Suit in O.S.No.153 of 2015. He had categorically contended that he has neither been involved or in anyway related to any of the documentation done by the said P.R.Sowmiya. Since, his role itself came very much after the filing of the criminal case, based on the said documents, he has no role in the criminality as alleged by



the prosecution. He would submit that he had never been instrumental either in impersonation or forging of the documents as alleged by the prosecution.

Hence, he would seek this Court indulgence to grant an Anticipatory Bail.

9. Countering their arguments, Mr.S.Santhosh, learned Government Advocate (Criminal Side) would submit that a property measuring about 11 Acres and odd were purchased by one Gnana Shanmugam. He had been survived by his wife Dr.Kamala. During his life time, the said Gnana Shanmugam had sold the properties in favour of his brother Kathirvelu vide Document No.3372 of 1980 on the file of the Sub-Registrar Office, North Madras. Subsequently, the said Kathirvelu had also sold a portion of the property to the Tamil Nadu Account General Staff Cooperative Building Society vide Document No.10702 and 10707 of 1983 on the file of the Sub-Registrar, Tambaram and to one Chennai Metropolitan Cooperative Housing Society vide Document No.304 of 2007 on the file of the Sub-Registrar, Padapai.

10. While so, he would further submit that one P.R.Sowmiya had filed a complaint against Kathirvelu and other that the alleged sale deed upon



which the Kathirvelu claims right and title, has been fabricated and created by way of impersonation of her husband. After investigation, a final report had also been laid in C.C.No.68 of 2022 before the Special Court Land Grabbing Cases. The said Kathirvelu had filed a Criminal O.P.No.15821 of 2022 in which the petitioner in Criminal O.P.No.11289 of 2024 had filed an M.P. to implead herself as a necessary party by claiming herself to be the legally wedded wife of the said Gnana Shanmugam. The learned Judge having found that there were two documents produced by two Sowmias claiming to be the wife of the deceased Gnana Shanmugam and having been satisfied with such fictitious claim, to resolve the disputes had directed the Additional Directorate General of Police, CBCID to take up further investigation by forming a Special Team. Pursuant to the orders of this Court, the A.D.G.P, CBCID by proceedings dated 09.05.2023, for taking up further investigation had re-registered the case in Crime No.448 of 2015 as Crime No.5 of 2023 on the file of the CBCID, OCU-II, Chennai. Having taken up for further investigation, it was found that all the petitioners herein had been involved in activities of forging documents and impersonating persons to be the wife of the said Gnana Shanmugam to grab away the valuable properties of a deceased individual who had during his lifetime dealt with the property.



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11. He would further submit that the documents relied upon by the respective parties namely P.R.Sowmiya, G.Sowmiya and Kathirvelu were all sent to forensic analysis by the respondent to the Forensic Detection Cell at India Security Cell, Nasik. A report has culminated from the said Forensic Detection Cell, dated 07.03.2024 indicating that the documents relied upon by both P.R.Sowmiya and G.Sowmiya to be a forged documents. That apart, the documents produced by Kathirvelu had been found to be true documents. Further the Fingerprint Bureau attached to the Criminal Investigation Department of the Tamil Nadu Police have also certified that the fingerprints of Gnana Shanmugam in the documents filed by the Sowmias are not the original fingerprints based upon their evaluation. He would further submit that on the various statements/records, it had been accepted that they were instrumented in trying to impersonate one Sowmiya as the wife of Gnana Shanmugam and in that process, the petitioner in Criminal O.P.No.9924 was also instrumental. Therefore, he would submit that further custodial interrogation is required to be carried out by the respondent Police. Hence, he would seek dismissal of all the Original Petitions.



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12. I have considered the rival submissions made by the learned counsels appearing for their respective parties and perused the materials available on record before this Court.

13. The allegations of the prosecution is that the properties of one Gnana Shanmugam has been sought to be grabbed by producing forged documents. Even though, the petitioner in the Criminal O.P.No.11289 of 2024 claims that the documents produced by her is the original documents, there had been created a doubt in the mind of this Court, from the investigation that has been carried out, as reflected in the counter as to the real identity of the petitioner. Further, it is the case of the prosecution that the petitioner in Criminal O.P.No.11294 of 2024 has been very much instrumental in aiding the other petitioner to impersonate as one Sowmiya. Even though, *prima facie*, I am satisfied that there is a commission of acts of forgery and impersonation based upon the Reports of the Forensic Detection Cell, Nasik and the Fingerprint Bureau of the Police Departments still the real persons behind the entire episode of trying to grab the property belonging to one Gnana Shanmugam is still to be unearthed.



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14. Serious allegations have been made against the petitioners in trying to aid one another in commission of the offences. Further, the act of the petitioners in placing on record before this Court fraudulently forged documents to achieve their needs in grabbing the property of one Gnana Shanmugam also amounts to perjury. The court below had rightly dismissed the bail application. Even though, this Court is not sitting on appeal or revision of the rejection of the bail passed by the learned Judge below, I fully concur with the reasoning given by her in rejecting the Bail Petitions.

15. I am of the view that in the present facts and circumstances of the case, custodial interrogation of the respective petitioners would have to be carried out for a through and complete investigation of the crime alleged.

16. For the aforesaid reasons, I am not inclined to grant any relief to the petitioners. In fine, these Criminal Original Petitions are dismissed.

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On pronouncing orders, it was brought to the notice of this Court by the learned counsel appearing for their respective petitioners that the mandatory period would be over by this week. Hence, they seek liberty to approach the lower Court seeking for bail under Section 167 (2) of Cr.P.C. Accordingly, it is for the parties to work out the remedies in the manner known to law.

04.06.2024

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

Deputy superintendent of Police,
Organized Crime Unit-II,
Crime Branch CID,
Egmore, Chennai.
(Crime No.5 of 2023)

K.KUMARESH BABU,J.

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