



CRL OP(MD). No.13007 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13007 of 2024

B Dhanasingh

... Petitioner/ Accused No.I

Vs

**The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.12 of 2024)**

... Respondent/Complainant

Y.Dhanapaul

... Petitioner / Defacto Complainant

For Petitioner : Mr.Anand R., Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

For Intervenor : Mr.V.Kathirvel

Senior Counsel

for Mr.K.Prabhu

PRAYER :-

For Anticipatory Bail in Crime No.12/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(5), 318(4), 336(2), 336(3) and 340(2) of BNS, in Crime No.10 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner without knowledge of the defacto complainant and one Jeyanth Rhenuius, who is the owner of the alleged property, has executed a sale deed in favour of his wife/A4, by creating a fabricated life certificate.

3.Heard. Perused the materials available on record including the First Information Report.

4.The parties are having civil transactions relating to selling of property. Mr.Jeyanth Rhenuius had executed a power of attorney in favor of the petitioner/accused. The power is not said to have been cancelled till date. The allegation against the power of attorney is that on 15.07.2024, he executed two sale deeds. While executing the said sale deeds, the petitioner/power of attorney had forged the life certificate as if it is signed by Mr.Jeyanth Rhenuius. It is alleged that no such life certificate was signed by him. He is not at all in a position to travel up to

Tirunelveli. The Doctor has bogusly certified as if in his presence only the said



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Jeyanth Rhenuius has signed. The case of the petitioner is that the said certificate is handed over to him by one Dhanabal.

5.It is asserted by the learned counsel for the petitioner that the signature is not forged and the original principal only has signed the life certificate.

6.In view thereof, since an assertion is made that the certificate belongs to that of the Jeyanth Rhenuius only, at this stage, since the other allegations would only part on civil dispute, this Court is inclined to enlarge the petitioner on anticipatory bail.

7.However, the Investigating Officer shall take the specimen signature of the petitioner, the said Dhanapal, de facto complainant and the said Jeyanth Rhenuius and also send the impugned life certificate to the Forensic Lab Department, to firstly find out whether the certificate is forged or not and secondly who forged the signature. If it is found that the signature is forged by the petitioner herein, the anticipatory bail will be cancelled and the petitioner will be taken into custody.

8.With the above conditions, the petitioner is enlarged on anticipatory bail with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which

the order copy made ready, before the learned Judicial Magistrate No.I, Tirunelveli,

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on condition that the petitioner shall execute 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 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 petitioner 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court.

[c] Once the petitioner appears before the Investigating Officer, the Investigating Officer, shall take the samples of the petitioner, defacto complainant and also the original principal Mr.Jeyanth Rhenuius and promptly send the same for verification for forensic examination and the lab concerned also concerning the fact that the matter is pending investigation, can expedite the process of sending the expert opinion.

[d] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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

sd/-
13/08/2024

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/ 08 / 2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE
NO.I, TIRUNELVELI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

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



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3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13007 of 2024
Date :13/08/2024

PSP/VR/SAR /24.08.2024/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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