



CRL OP(MD). No.13663 of 2024

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

Date : 30/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Elamchezhian @ Elanchezhian

2. Sony

... Petitioners/ Accused No.2 & 4

Vs

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

... Respondent/Complainant

Jayanth Rhenius

... Intervening Petitioner
in CRL MP(MD) No.9006 of 2024

For Petitioners : Mr.M.Ajmal Khan,Senior Advocate
for Mr.D.Venkatesh, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.V.Arun, Advocate

For Defacto Complainant : Mr.T.Mohan, Senior Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS r/w 438 of Cr.P.C



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PRAYER :- For Anticipatory Bail in Crime No. 12 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A4, who apprehend 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 the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.12 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 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 first petitioner by creating a fabricated life certificate.

3.Both the learned counsel appearing on behalf of the owner of the property and the person whom the owner has authorized to give the complaint opposed the application for anticipatory bail. It is their contention that the entire transaction is sham and nominal. Even the anticipatory bail which is given to A1 is being opposed and the applications are filed to cancel the said anticipatory bail. Apart from the fact that the life certificate was forged. The revenue document also is forged. The TLSR register which is produced along with the sale deed is also forged. Therefore, the entire transaction is fraudulent.



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4.The learned Additional Public Prosecutor submits that the Doctor, who has certified the life certificate was examined and the Doctor had stated that one Shahul Hammed only brought one person and therefore he signed. The said Shahul Hammed stated that he only took the owner of the properties, Jeyanth Rhenuius and his signature was obtained. But however, their investigation reveals that the version of the Shahul Hameed is false. As a matter of fact, the CDR particulars and other details would prove that the owner of the property Jeyanth Rhenuius was only in Chennai as on the relevant date. Even the handwriting of the said Shahul Hameed matches the alleged writing by the owner of the property in the life certificate. Therefore, it is suspected that the said Shahul Hameed only has forged the signature in the life certificate. Therefore, the appropriate alteration report by including him also in the array of parties will be filed soon.

5.I have considered the rival submissions made on either side and perused the material records of the case.

6.Considering the argument made on behalf of the learned Senior counsel for the petitioners and considering the fact that the first accused power of attorney was in force as on date of the sale deed which is executed in favor of the petitioners herein and considering the fact that the sale consideration was transferred by them to the power of attorney agent online by way of banking transaction, and at present,



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there is no any proven allegation so as to suspect it is only the accused 2 and 4, who have either forged the revenue record or the life certificate, with the same condition that the orders of granting anticipatory bail would be subject to revisit after the further investigation, I am inclined to grant anticipatory bail 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.1, Tirunelveli, 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 report before the respondent Police, daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

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



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

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[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.

8.It will open for the respondent police to seize the life certificate and also the original documents belonging to the petitioners herein for the purpose of investigation only.

sd/-
30/08/2024

/ TRUE COPY /

/09/2024
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.



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2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1 CC to M/s.V.ARUN, Advocate (SR-10671[I] dated 02/09/2024)

+1 CC to M/s.D.VENKATESH, Advocate (SR-10693[I] dated 02/09/2024)

ORDER
IN

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Date :30/08/2024

ED/ SG /SAR- (12/09/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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