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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2024

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.17074, 23049, 23051 and 23054 of 2023

Dhamodharan

... Petitioner/ Accused No.5
in Crl.O.P.(MD).No.17074 of 2023

Anbarasan

... Petitioner/ Accused No.7
in Crl.O.P.(MD).No.23049 of 2023

R.Senthilkumar

... Petitioner/ Accused No.2
in Crl.O.P.(MD).No.23051 of 2023

Rathinamoorthy

... Petitioner/ Accused No.6
in Crl.O.P.(MD).No.23054 of 2023

Vs

The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.16 of 2023).

... Respondent/ Complainant
in all petitions

(in all petitions)

For Petitioner : Mr.L.Jeen Felix, Advocate.

For Respondent : Mr.R.Suresh Kumar, Government Advocate (Crl.Side)

For Intervenor : Mr.Dinesh Hari Sudharsan, Advocate

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



COMMON PRAYER :-

For Anticipatory Bail in Crime No.16 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused persons apprehend arrest at the hands of the respondent police for the offences punishable under sections 419, 420, 423, 467, 468, 471 and 120 IPC, in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is one of the trustees of Palaniswami Pillai Trust and among the Trustees, Palaniswami Pillai, died without any issue. In memory of Palanisami Pillai, his two brothers namely Muthuswami Pillai and Ponnuswami Pillai established a family Trust called 'T.S.Palanisami Pillai Trust' through a Trust Deed, dated 01/11/1930. They came to know that 1.75 acres of Trust land situated in Survey Nos.49/1A and 49/1C in Thayanoor village, Punganur, Trichy were sold by one R.Venkatachalam, on 22/02/2023 in favour of one R.Senthilkumar. The above said Venkatachalam claims to be the son of one Jambulingam. By wrongly mentioned his name as Jambulingam @ Rajalingam, the above said sale has been effected. They have created bogus death certificate of Jambulingam and obtained legal heirs certificate. The current Trustees



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are administrating the Trust properties. The above said Venkatachalam, the impersonator and R.Senthilkumar, the buyer entered into a criminal conspiracy, fabricated the above said document. On the basis of the complaint given against two persons namely Venkatachalam and Senthilkumar, this case has been registered as stated above.

3. During the course of investigation, the involvement of Dhamodharan came to light, who is also implicated along with other accused. Similarly, the involvement of one Anbarasan, is also came to the knowledge.

4. Seeking anticipatory bail, all the persons earlier filed applications. That were came to be dismissed by this Court since this Court of the view that the custodial interrogation is necessary to brought to the truth.

5. Mr. L. Jeen Felix, learned counsel entered appearance for the petitioners. The learned counsel for the defacto complainant also present before this Court and stated that as undertook by the petitioners, the impugned sale deed was also cancelled by the Seller, which is also confirmed by both sides today. Apart from that the learned counsel for the defacto complainant would submit that patta transfer proceedings is pending. But, the learned counsel for the petitioner would submit that it is going to be transferred in the name of the original owner of the property.

6. In view of the above said development, this Court is inclined to grant



anticipatory bail to the petitioners in all petitions.

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7. Accordingly, all these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.V, Trichy, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

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

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TO

1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.

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



3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TRICHY DISTRICT.

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

+1 CC to M/s.G.MANIKANDAN, Advocate (SR-2096[I] dated 20/02/2024)

ORDER
IN

CRL OP(MD). Nos.17074, 23049, 23051 and 23054 of 2023

Date :19/02/2024

RS/VR/SAR-(27.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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