



CRL OP(MD) No.22964 of 2023

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22964 of 2023

CHITHRA DEVI

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 G.NAGARAJAN

...RESPONDENT/ ACCUSED NO.1

2 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH POLICE STATION,
SIVAGANGAI DISTRICT.

(CRIME NO.16/2023).

... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to cancel the Anticipatory Bail granted in the Court of Principal Session Judge, Sivagangai in Crl.MP.No.4826/2023 dt.2/11/2023.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.RAMSUNDARVIJAYRAJ, Advocate for the petitioner and of MR.S.CHANDRASEKARAN, Advocate for the Respondent No.1 and MR.S.MANIKANDAN, Government Advocate(Crl.side) for the 2nd Respondent, the court made the following order:-

This Criminal Original Petition is filed to cancel the anticipatory bail granted to the first respondent by the learned Principal Sessions Judge, Sivagangai, vide order

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



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dated 02.11.2023 in CrI.M.P.(MD) No.4826/2023.

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2. The case of the prosecution is that the petitioner's mother and brother executed a general power of attorney in favour of one Alexsander and after the demise of the petitioner's mother, one Nagarajan/A1 and Alexsander/A2 had executed a sale deed in favour of A3 by producing fake Life Certificate of the deceased person. Hence, a complaint came to be lodged.

3. The learned counsel appearing for the first respondent would submit that admittedly, there was an oral partition between the petitioner and the second accused and A2 is the owner of the property and executed a sale deed in favour of A3. The petitioner has filed a partition suit in O.S.No.192 of 2012 on the file of the Sub-Court, Sivagangai, and the same was dismissed on 06.06.2022, against which, an appeal has been preferred in A.S.No.7 of 2023 before the Principal District Court, Sivagangai. Instead of working out her remedy before the civil Court, filing the false complaint after a lapse of seven years is not sustainable one. He would further submit that there must be supervening circumstances and in the present case, no supervening circumstances were raised by the petitioner. Hence, he prays for dismissal of this petition.

4. Heard the Learned Government Advocate (CrI.Side) appearing for the second respondent Police.



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5. The main ground raised in this petition by the petitioner is that suppressing the fact that the accused Nos.1 and 2 had executed a sale deed in favour of the accused No.3 by producing fake Life Certificate of the deceased person, the first respondent has obtained anticipatory bail from the trial Court. However, no supervening circumstances were brought to the notice of this court as enumerated by the Apex Court in the case of Daulat Ram - Vs - State of Haryana (1995 (1) SCC 349) and therefore, the prayer as sought for by the petitioner cannot be acceded to.

6. For the reason aforesaid, the petition seeking to cancel the anticipatory bail granted to the first respondent by the trial Court cannot be sustained and, accordingly, the same is dismissed.

sd/-
22/01/2024

/ TRUE COPY /

/02/2024

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

ssb

TO

1.THE PRINCIPAL SESSIONS JUDGE, SIVAGANGAI

2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
SIVAGANGAI DISTRICT.



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

+1. CC to S.RAMSUNDARVIJAYRAJ Advocate SR.No.2013(f)

ORDER
IN
CRL OP(MD) No.22964 of 2023
Date :22/01/2024

RK/VR (21/02/2024) 4P / 5C

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