



**IN THE COURT OF VACATION SESSIONS JUDGE,
(PRINCIPAL SESSIONS COURT) RAMANATHAPURAM.**

**PRESENT: THIRU.S.KUMARAGURU, B.L.,
Vacation Sessions Judge,
Principal Sessions Judge,
Ramanathapuram.**

**Thursday the 30th day of May 2024
Crl.M.P.No.240/2024
(CNR No. TNRM-00-000271-2024)**

1.Muneeswaran, (aged 38)
S/o.Subbaiah.

2. Mareesh, (aged 31)
S/o.Rajapandian

...Petitioners/Accused

/vs/

State, through the Inspector of Police
**Uchipuli P.S.,
Cr.No.211/2024.**

...Respondent/Complainant

Petition dated 28.05.2024 U/s.438 Cr.P.C. to grant anticipatory bail.

This petition is coming on this day for hearing before me, in the presence of Thiru.M. Mayakannan, M.Com., B.L., the learned Counsel for the petitioners and Thiru.B.Karthikeyan, B.A., B.L., the learned Public Prosecutor for the State and upon hearing both sides arguments, this Court passed the following:

ORDER

The petitioners are the accused in Cr.No.211/2024 of Uchipuli P.S. The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable U/s.448, 427, 379 (NH) IPC, have filed this petition seeking to



release them on anticipatory bail.

2. The prosecution case is that, there is a civil dispute between the defacto complainant and petitioners. In this regard, the case was registered against the petitioners in Cr.No.279/2022 and it is pending. Following which, on 14.05.2024 at about 10.00 p.m. the petitioners trespassed into the defacto complainant's land and also they damaged the CCTV Cameras and its wire, iron rod and gate valve of water pipe and also stole the hard disk and 3 CCTV Cameras. Damaged and stolen the things for the worth of Rs.1,00,000/-. Hence the charge.

3. The learned Counsel for the petitioners contention is that the petitioners have been falsely implicated in this case and they are in no way connected with the case. The petitioners names were included in the FIR on suspicious manner. There is some civil dispute between the both parties. Material part of the witnesses has already been examined. There is no specific overt-act against the petitioners. If the petitioners are arrested by the respondent police, they may harassed by them. Hence this petition is to be allowed.

4. On the other hand, the learned Public Prosecutor has contended the occurrence was happened due to civil dispute between both the parties. The petitioners are arrayed as A2 and A6. Others are still absconding. On the date of occurrence, the petitioners trespassed into the defacto complainant's land and



damaged the CCTV Cameras and its accessories and also stole the hard disk and 3 CCTV Cameras. The properties worth about Rs. 53,430/-. Material part of the witnesses have already been examined. No previous case is pending against the petitioners.

5. After taking into consideration of both sides the learned counsels and on perusal of records and averments of the petition, it is found that the occurrence was happened due to civil dispute between both parties. On the date of occurrence, the petitioners trespassed into the defacto complainant's land and damaged the properties and also stolen the properties for the worth of Rs. 53,430/-. Material part of the witnesses has already been examined. The learned Counsel for the petitioner contention is that the petitioners are implicated in FIR as suspicious manner and no specific overt-act against the petitioners. On perusing of the FIR the petitioners names were added as suspicious. No previous case is pending against the petitioners. In the circumstances, if the petitioners are released on anticipatory bail, no prejudice will cause to the prosecution side. Nature and circumstances, contention of FIR are considered by this Court and come to the conclusion that the petitioners are entitled to get anticipatory bail with the following conditions:-

i) that in the event of arrest of the petitioners by the respondent police or on their surrender before the learned **Judicial Magistrate No.II, Ramanathapuram,**



within 15 days from the date of this order and on such arrest or surrender the petitioners are ordered to be enlarged on anticipatory bail on their execution of 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 **concerned Judicial Magistrate; If the petitioners/accused are not surrendered within 15 days from the date of this order, this anticipatory bail order stands cancelled automatically;**

ii) that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;

iii) that the petitioners **shall report before the respondent police station daily twice at 10.30 a.m and 5.00 p.m. until further orders** and on further condition that they shall make available themselves for interrogation as and when required by the investigation Officer;

vi) that the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

v) that the petitioners shall not abscond either during investigation or trial;

vi) that 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

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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);

vii) If the accused thereafter absconds, a fresh FIR can be registered U/s.229 A
IPC.

Pronounced by me in open court, this the 30th day of May 2024.

S
KUMARAGURU

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by S
KUMARAGURU
Date: 2024.05.30
19:19:18 +0530

Vacation Sessions Judge,
Ramanathapuram.
30.05.2024

Copy sent through e-mail:

To
The Judicial Magistrate No.II, Ramanathapuram.
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Uchipuli P.S.
The petitioners through their Counsel.



**IN THE COURT OF VACATION SESSIONS JUDGE,
(PRINCIPAL SESSIONS COURT) RAMANATHAPURAM.**

PRESENT: THIRU.S.KUMARAGURU, B.L.,
Vacation Sessions Judge,
Principal Sessions Judge,
Ramanathapuram.

Thursday the 30th day of May 2024

Crl.M.P.No.248/2024
(CNR No. TNRM-00-000276-2024)

and

Intervene Petition Crl.M.P.No.270/2024
(CNR No. TNRM-00-000313-2024)

Mohangandhi (aged 42),
S/o.Karuppaiah.

...Petitioner/Accused No.6

/vs/

State, through the Inspector of Police
Chathirakudi P.S.,
Cr.No.51/2024.

...Respondent/Complainant

Syed Mohammed, (aged 70),
S/o. Naina Mohammed,
Represented through
his Power Agent K.Syed,
S/o.Kuthbudeen.

Intervenor / Defacto Complainant

Petition dated 28.05.2024 U/s.438 Cr.P.C. to grant anticipatory bail.

This petition is coming on this day for hearing before me, in the presence of
Thiru.S.J.Sheik Ibrahim, M.A., B.L., the learned Counsel for the petitioner and
Thiru.N.Manickam, B.A., B.L., the learned Counsel for the Intervenor and
Thiru.B.Karthikeyan, B.A., B.L., the learned Public Prosecutor for the State and upon



hearing both sides arguments, this Court passed the following:

ORDER

The petitioner is the accused in Cr.No.51/2024 of Chathirakudi P.S. The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable U/s.417, 420, 466, 468, 471 IPC, has filed this petition seeking to release him on anticipatory bail.

2. According to the prosecution case is that, from 29.12.2023 to 28.02.2024 the petitioner and other accused fabricated the documents and cheated the defacto complainant. Hence the charge.

3. The learned Counsel for the petitioner has contended that, the petitioner was attested witness and he does not know anything about to the illegal transactions between the parties. Further the learned counsel for the petitioner contention is that the petitioner is no way connected to the offence. Earlier 3 anticipatory bail applications were dismissed by the Principal Sessions Court. The learned counsel for the petitioner further would submit that the petitioner is only attested witness. He was identify the parties before the Sub-Registrar officer. Under these circumstances, the petitioner is acted as malafide intension to attested the signature in the documents. In this regard, the learned counsel for the petitioner relied on reported case reported in KHC-D:10666 CRL.P.No.100659 of 2023. In the High Court of Karnataka, Dharwad Bench, Rajesh, S/o.Yallappa Totaganti ... Petitioner Vs. State of Karnataka and one



another ... Respondents. The learned counsel for the petitioner further would submit that as per Hon'ble High Court has held that when the petitioner was attested with bonafide witness the petitioner has not committed any crime. Hence this petition is to be allowed.

4. In this regard, during the time of enquiry, the learned counsel for the intervenor contended that the petitioner is attested witness. Further he has contended that, the petitioner is same village, he knows the petitioner family. Further he was having the knowledge about to the history of the family of the other accused. However, the petitioner was attested as a witness for created the forged documents by the petitioner. Therefore the above said case law is not applicable in the present facts of the case.

5. In this regard, the learned Public Prosecutor has contended that there are totally 6 accused involved in this case. The petitioner is arrayed as A6. Further he has contended that investigation is yet to be completed. Further the documents are created and on the basis of forged documents the transactions was happened. In these circumstances, if the petitioner is released on anticipatory bail, it will possible to tamper and hamper the witnesses. Earlier 3 anticipatory bail applications were dismissed by the Principal Sessions Court. Even the petitioner was 4th time come to the court for same relief, there is no change of circumstance from the earlier bail petition. Hence this petition is to be dismissed.



6. After taking into consideration of both side Counsels argument and this court has gone through the case records it found that the petitioner and other accused are same village. Further he has contended that the petitioner having knowledge about to the history of the family of the other accused. Under these circumstances, the petitioner contention is that the petitioner is only having knowledge about to the content of document he was put the signature and identify the parties. The learned counsel for the petitioner further would submit that as per Hon'ble High Court has held that when the petitioner was attested with bonafide witness the petitioner has not committed any crime. The above said case law is not applicable in the present facts of the case. Earlier applications were dismissed by this Court. Investigation is not yet completed. There is no change of circumstance from the earlier dismissal order. Nature and circumstance and absconding of the accused are considered by this court and come to the conclusion the petitioner is not entitled to get any relief. Hence this petition is dismissed.

In the result, the anticipatory bail petition is dismissed.

In respect of Intervene petition in Crl.M.P.No.270/2024 is allowed.

Pronounced by me in open court, this the 30th day of May 2024.

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KUMARAGURU
Date: 2024.05.30
19:19:38 +0530
Vacation Sessions Judge,
Ramanathapuram.
30.05.2024

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Copy sent through e-mail:

To
The Public Prosecutor, Ramanathapuram.
The Inspector of Police, Chathirakudi P.S.
The Petitioner through his Counsel.



**IN THE COURT OF VACATION SESSIONS JUDGE,
(PRINCIPAL SESSIONS COURT) RAMANATHAPURAM.**

PRESENT: THIRU.S.KUMARAGURU, B.L.
Vacation Sessions Judge,
Principal Sessions Judge,
Ramanathapuram.

Thursday the 30th day of May 2024

Crl.M.P.No.147/2024
(CNR No. TNRM-01-000174-2024)
and
Crl.M.P.No.151/2024
(CNR No. TNRM-01-000175-2024)

Crl.M.P.No.147/2024
Chottasamy, (aged 76)
S/o. Karuppaiah

...Petitioner/Accused No.2

Crl.M.P.No.151/2024
Kaverithasan (aged 48)
S/o. Alagarsamy

...Petitioner/Accused No.5

/vs/

State, through the Inspector of Police
DCB, Ramanathapuram,
Cr.No.4/2024

...Respondent/Complainant

Both petitions dated: 14.05.2024 U/s.438 Cr.P.C. to grant anticipatory bail.

These petitions are coming on this day for hearing before me, in the presence of Thiru.T.M.Arunkannan, B.A., B.L., the Learned Counsel for the petitioner in Crl.M.P.No.147/2024 and Thiru.K.Muthuduraisamy, B.A., B.L., the Learned Counsel for the petitioner in Crl.M.P.No.151/2024 and Thiru. B.Karthikeyan, B.A., B.L., the



Public Prosecutor for the State and upon hearing both sides arguments, this Court passed the following:

COMMON ORDER

The petitioners in Crl.M.P.No.147/2024 and Crl.M.P.No.151/2024 are the accused in Cr.No.4/2024 of DCB, Ramanathapuram. Both petitioners who apprehend arrest at the hands of respondent police facing the charges punishable U/s. 423, 465, 468, 471, 420, 120(b) IPC, have filed this petition seeking to release them on anticipatory bail.

2. According to the prosecution, the petitioners and other accused are forged the document and sell the property with the help of forged document. Hence the charge.

3. The learned Counsel for both petitioners has contended that, the petitioners have been falsely implicated in this case and they are in no way connected in this case. Further he has contended that the petitioners are arrayed as A2 and A5. A1, A3 and A4 were already released on interim anticipatory bail by the Hon'ble High Court in Crl.O.P.(MD)No.4973/2024 dated 17.04.2024. The learned counsel for the petitioner in Crl.M.P.No.147/2023 would submit that another case was registered against this petitioner/A2 in Cr.No.425/2023 in Kenikkarai Police Station for same property. In that case, one Boomivasagan was acted as a mediator to escape from the



criminal case, the said Boomivasagan lodged the complaint against this petitioner. This petitioner is the 1st accused in Cr.No.425/2023 and he was arrested and remanded on 12.10.2023 and he was released on bail by the Principal Sessions Court in CrI.M.P.No.5129/2023 dated 28.11.2023. The learned counsel for the petitioner in CrI.M.P.No.151/2023 would submit that this petitioner was added as a witness and his confession was recorded as per 164 Cr.P.C. In the present case this petitioner is attested witness only. The learned counsel for both petitioners further would submit that for same property there are two cases are registered in various police stations. In these circumstances, if the petitioners are arrested by the respondent police, they may be harassed by them. Hence this petition is to be allowed.

4. On the other hand, the learned Public Prosecutor has contended that totally 5 accused are involved in this case. The petitioners are arrayed as A2 and A5. Further he has contended that A1, A3 and A4 were already released on interim anticipatory bail by the Hon'ble High Court in CrI.O.P.(MD) No.4973/2024 dated 17.04.2024. The facts of the case is that the petitioners and others created forged document and based on the forged document they are sold the property. When the original owner of the property namely Arumugam and his wife Nagammal are alive, the petitioners and others are getting illegal gain by fabricating the death certificate and legal heir certificate of the said persons. Further he has contended that, based on the fabricated



documents, the property was sold to one Kalaiyarasi. The value of the property is Rs.2,10,00,000/-. The petitioners and others were received the amount of Rs.2,10,00,000/- from the said Kalaiyarasi and executed the document. The amount was yet to be secured. Investigation is in preliminary stage. The another case was registered against the petitioner/A2 in Cr.No.425/2023 for the same property in Kenikkarai Police Station. In these circumstances, if the petitioners are released on anticipatory bail, it will possible to tamper and hamper the witnesses. Further he has contended that this petitioners are in main act to forged documents for the sale of properties. Therefore this petition is to be dismissed.

5.After taking into consideration of the both side learned counsel argument and on perusal of the petitioner averments and content of FIR, it found that, totally 5 accused are involved in this case. The petitioners are arrayed as A2 and A5. A1, A3 and A4 were already released on interim anticipatory bail by the Hon'ble High Court in Crl.O.P.(MD) No.4973/2024 dated 17.04.2024. The facts of the case is that the petitioners and others created forgery document and based on the forged document they are sold the property. When the original owner of the property namely Arumugam and his wife Nagammal are alive, the petitioners and others are getting illegal gain by fabricating the death certificate and legal heir certificate of the said persons. Based on the fabricated documents, the property was sold to one Kalaiyarasi.

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The value of the property is Rs.2,10,00,000/-. The petitioners were received the amount of Rs.2,10,00,000/- from the Kalaiyarasi and executed the document. The amount was yet to be secured. Investigation is in preliminary stage. In these circumstances, if the petitioners are released on anticipatory bail, it will possible to tamper and hamper the witnesses. There are two offenses are happened for same subject matter of the properties. The petitioners and others were suppressed the original owner of the property and sell the property in favour of one Kalaiyarasai with the help of forged document and received the amount. Huge amount is involved in this case. Investigation is in preliminary stage. Under these circumstances, if the petitioners are released on anticipatory bail, it will possible to tamper and hamper the witnesses. Hence both petitioners are not entitled to get any relief.

In the result, the both petitions are dismissed.

Pronounced by me in open court, this the 30th day of May 2024.

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KUMARAGURU
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by S
KUMARAGURU
Date: 2024.05.30
19:19:07 +0530
Vacation Sessions Judge
Ramanathapuram.
30.05.2024

Copy sent through e-mail:

To
The Public Prosecutor, Ramanathapuram,
The Inspector of Police, DCB, Ramanathapuram,
The Petitioners through their Counsel.