

**IN THE COURT OF JUDICIAL MAGISTRATE NO. IV: MADURAI.**

Present Thiru.R.Sundara Kamesh Marthandan, B.L.

Judicial Magistrate No.IV, Madurai.

Thursday on this 17<sup>th</sup> day of September 2020

Cr. M.P. No. 827 of 2020

Tmt.Latha (F/44)  
daughter of Narayanan

...Petitioner/Accused

-vs-

State of Tamil Nadu,  
Represented by Deputy Superintendent of Police,  
CBCID Madurai Range, Madurai.

Crime No.2 of 2020

under Section 342, 379, 365, 406, 420, 419,  
465, 467,468, 471 r/w 120 (b) IPC

...Respondent/Complainant.

This Petition filed under Section 437 Code of Criminal Procedure.

This Petition coming up today before me and upon hearing the argument of Mr. Alagumurugan, counsel for the Petitioner and Assistant Public Prosecutor for the Respondent, this court passes the following :-

**ORDER**

1) This Petition is filed under Section 437 Cr. P.C. The Petitioner surrendered before this court on 11.09.2020 in connection with Cr.No.2/2020 on the file of the respondent Police for offences alleged under Section 342, 379, 365, 406, 420, 419, 465, 467,468, 471 r/w 120 (b) IPC and remanded to Judicial Custody on 11.09.2020

2) The Petitioner contented that the petitioner is innocent and has not committed any offence. Her name is not mentioned in the FIR and no overtact attributed on her. Her anticipatory bail petition in Cr.M.P.Nos.3282, 3625 of 2020 were dismissed as custodial interrogation was necessary. The petitioner was falsely

implicated by the respondent police in the so called confession of A4 Sulaiman Batch and A10 Muthukumar.

3) The petitioner had only signed as witness in the forged will created by A1 Senthilkumar, A2 Meena and A4 Sulaiman Batch, without knowing it's contents. Further all the named accused in the FIR were given interim bail. The petitioner is having permanent address in Madurai. Though innocent she voluntarily surrendered before this court, in order to stop the harassment perpetrated on her relatives, by the respondent police. She is a woman aged 44 years, have no mind or means to tamper the witnesses or hamper investigation. The entire investigation rest on documents and all documents are in the custody of police and Registrar office, hence question of tampering does not arise.

4) The Respondent had strongly opposed granting bail to the Petitioner. The Respondent had stated that, the investigation in Crime No.67/2020 from the file of Umachikulam Police Station, was transferred to the file of the respondent CBCID, in view of the gravity of the offence. The respondent had registered, case in Crime No.02/2020 on 27.06.2020 at 14.20 hrs, in pursuant, to the direction of Hon'ble Madras High Court, Madurai Bench's order.

5) The Learned Assistant Public Prosecutor submitted that, the petitioner and other accused have conspired and in pursuant to that the petitioner had impersonated as deceased Rajeshwari and signed the forged Will at Tallakulam Sub Registrar office. Further in pursuant to the conspiracy and forgery, the petitioner indulged in creating false documents for selling house in Cosmo City Apartment and House in Silaineri. If she is interrogated in police custody various to facts will come out. Further in this case the Hon'ble Madurai Bench of Madras High Court in CrI.O.P (MD) No.3028/2020 had ordered to list all petitions in connection with the above case before the Hon'ble Bench. If the accused is enlarged on bail, she will abscond. The forged Will could not be recovered.

6) The rival submissions made on both side was considered. It was submitted that the petitioner had impersonated as one deceased Rajeshwari in order to create forged Will for embezzling the estate left by one T.P.Vasanthakumar for his mentally challenged son Jeyaprakash. The respondent had also submitted that the forged Will, is yet to be recovered and that the petitioner has to be interrogated for recovering the same. Considering the gravity of the offence and the allegations made against the petitioner, this court is not inclined to enlarge the petitioner on bail.

In the result this petition is dismissed.

Dictated by me to the Steno Typist and Typed by her in computer directly and corrected and Pronounced by me via e-mail on this 17<sup>th</sup> day of September 2020.

S/d- R.Sundara Kamesh Marthandan,  
Judicial Magistrate IV,  
Madurai.