

Crl.O.P.No.15163 of 2015**R.SUBBIAH, J.**

Apprehending arrest at the hands of the respondent-police, in respect of the alleged commission of offences punishable under Sections 120(b), 419, 465, 468, 471 & 420 IPC, in Crime No.58 of 2012, the petitioners have approached this Court seeking the relief of anticipatory bail under Section 438 of the Code of Criminal Procedure.

2.The brief case of the prosecution is as follows__

The complaint was lodged by one Malaisamy, who is the Manager in ABC (India) International Company. In the complaint, it has been stated that the said ABC (India) International Company is the owner of the land in Survey Nos.243 & 252 to an extent of 11 acres and 99 cents situated at Kanchipuram District, Tiruporur Taluk, Pudupakkam Village and the said land was purchased by the said company from M/s.SSS Company, one Rajam and Vedachalam Naicker, in the year 1979. The complainant-company viz., M/s.ABC (India) International Company is in possession and enjoyment of the said land from the year 1979. The subject properties were originally owned by one Dorthy Dare and the said Dorthy Dare had sold the subject properties in favour of one Krishnammal vide two sale deeds viz., i)Doc.No.6033/1961, dated 21.12.1961, S.No.243- 7 Acres. SRO (Dist.Reg)

– North CNI; ii)Doc.No.2259/1961, dated 26.12.1961, S.No.243 – 2 Acres, SRO – Thiruporur. Subsequently, the said properties were sold to one Thiruvenkatam in the year 1962 by the said Krishnammal. Thereafter, in the year 1975 the said property was sold by the said Thiruvenkatam in favour of one R.R.Parthasarathy, who in turn sold the property in the year 1978 in favour of one J.Mohana, from whom the said properties was purchased by M/s.SSS Company in the year 1979 and during the same year, the said M/s.SSS Company sold the property to the complainant viz., M/s.ABC (India) International Company. From the date of purchase, the complainant-company is in possession and enjoyment of the property. While so, the 9th accused in this case by impersonating the original owner Krishnammal has given a General Power of Attorney in favour of the 4th accused in this case. Based on the said General Power of Attorney, the 4th accused executed a sale deed in favour of the A1 & A2. Hence, the complaint has been lodged as against the accused persons.

3.The learned counsel for the petitioners submitted that this is only a false case foisted against the petitioners and that actually the original owner Krishnammal alone had executed the Power of Attorney Deed.

4.The learned counsel for the intervener opposed the grant of

anticipatory bail to the petitioners stating that the petitioners by impersonating the original owner Krishnammal have created encumbrance over the property.

5. The learned Government Advocate (Crl.Side) has also submitted that the original owner Krishnammal sold out the property long back and but, by impersonating the original owner Krishnammal, General Power of Attorney was executed by the 9th accused in favour of the 4th accused, who in turn executed a sale deed in favour of the accused 1 & 2 and thus, the accused persons have created encumbrance over the property. In this regard, the learned Government Advocate (Crl.Side) invited the attention of this Court to the documents wherein two different thumb impressions have been affixed claiming that they are the thumb impressions of the original owner Krishnammal. In fact, the original owner Krishnammal is still alive. The learned Government Advocate (Crl.Side) has further submitted that the petitioners herein have active participation in the offence and that the custodial interrogation of the petitioners is necessary in this case to unearth the real facts. Thus, the learned Government Advocate (Crl.Side) opposed to grant anticipatory bail to the petitioners.

6. I have carefully heard the submissions made on either side and perused the materials available on record.

7.Considering the facts and circumstances of the case, I am of the opinion that this is a case where the custodial interrogation of the petitioners/accused is necessary in order to unearth the real facts. Further, as contended by the learned Government Advocate (Crl.Side), there is different versions with regard to the identity of the original owner Krishnammal. Therefore, I am not inclined to grant anticipatory bail to the petitioners and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed.

09.07.2015

SSV

R.SUBBIAH, J.

SSV

Pre-delivery order

in

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