

Crl.O.P.Nos.17725 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 420, 465, 466, 467, 468, 471 r/w Section 34 IPC in Crime No.215 of 2015, the petitioners have approached this Court seeking the relief of anticipatory bail under Section 438 of the Code of Criminal Procedure.

2.The case of the prosecution, in brief, is as follows:-

The complaint was lodged by one Tmt.Chithramani / defacto-complainant, stating that her ancestral property is situated at Plot No.88, admeasuring 4320 sq.ft, Survey No.69, in Madipakkam village and the said property had been purchased by her grand-father viz., Mathava Gounder from one Gopinathan in the year 1961 vide Doc.No.422/1961. After the demise of the defacto-complainant's grand-father in the year 1974, the said property devolved upon the father of the defacto-complainant viz., Kuppusamy. During the year 1984, the father of the defacto-complainant settled the said property in favour of the defacto-complainant vide Settlement Deed No.2522/1984. Since the defacto-complainant and her husband were working in USA, they gave power of attorney in favour of their relative viz., Geetha Mohan for the purpose of constructing a house in

the said plot. When the defacto-complainant was about to commence the construction work through her power of attorney, it was found that the petitioners herein and other accused have created encumbrance over the said property with an intention to grab the same. In fact, the accused persons created a settlement deed dated 01.07.2013 as if one Ramu executed a settlement deed in favour of his son Vimalan. In the said settlement deed dated 01.07.2013, there was a reference as if the said property was purchased from one Gopinathan by the said Ramu vide Doc.No.1133/1964. But, the said document No.1133 of 1964 is not pertaining to the subject property and it is pertaining to a different property. But, by using the said forged documents, the accused persons have created encumbrance over the property of the defacto-complainant. Hence, the complaint has been lodged by the defacto-complainant.

3.The learned counsel for the petitioners submitted that it is incorrect to state that the petitioners have created forged documents; that the matter is purely civil in nature; that by giving criminal colour, the present complaint has been lodged by the defacto-complainant. Thus, the learned counsel for the petitioners sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) opposed the grant of

anticipatory bail to the petitioners stating that the petitioners herein along with other accused have created forged documents. Further, the subject property was purchased by the grandfather of the defacto-complainant from the original owner Gopinath in the year 1961. The settlement deed and the sale deeds created by the accused persons are forged documents; by using the said forged documents, they have created encumbrance over the property of the defacto-complainant. The learned Government Advocate (Crl.Side) would further submit that the custodial interrogation of the petitioners is absolutely necessary in this case in order to unearth the real facts. Thus, he sought for dismissal of the petition.

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

6.Considering the facts and circumstances of the case, I am of the opinion that this is not a fit case to grant anticipatory bail to the petitioners. Further, as contended by the learned Government Advocate (Crl.Side), if anticipatory bail is granted to the petitioners, it will hamper the investigation which is under progress. Hence, 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.

31.07.2015

SSV

R.SUBBIAH, J.

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Pre-delivery order

in

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