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

Monday, the Seventh day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.17137 of 2015

BALA SUBRAMANIAN ... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY.
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO. 53 OF 2015. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.T.RAMESH RAJA Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b),416,418,419,467,468,469,471 and 420 of IPC in Crime No.53 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant's husband purchased a property measuring an extent of 4955 Sq. Ft. on 31.01.2000. On 16.01.2008, the petitioner's husband borrowed a loan from A1 viz., Stephen, by depositing title deeds as security. The de facto complainant's husband discharged the loan in full. The first accused did not return the documents, but was dragging on. Subsequently, he informed that all the documents were lost. In the mean time, the de facto complainant's husband died on 30.11.2014. Thereafter, the de facto complainant came to know that accused persons conspired together and on 03.03.2011, a general power of attorney deed in Doc.No.128 of 2011 was executed by the first accused, as if the same was executed by her husband appointing the A1 as his agent and sold the property in favour of one Antony Binto and the said sale deed was witnessed by one Jacob and Perumal Nadar. In turn, on 06.03.2012, the said Antony Binto sold the property to one Boopathy. According to the de facto complainant, all the accused persons were conspired together and opened an account with Canara Bank in the name of petitioner's husband by impersonating him and thereby, committed offence.



3. The learned counsel for the petitioner submitted that the petitioner being a document writer, he used to prepare documents only on instructions of his clients and therefore, he has not taken any part

in the conspiracy. He further submitted that the petitioner is not having any obligation to conduct a roving enquiry so as to ascertain the papers produced before him are genuine and then to write the document. He is nothing to do with offence alleged by prosecution.

4. The learned Government Advocate (Crl. Side) filed a counter affidavit and stated that on 03.03.2011, the accused persons executed a power of attorney, as if the de facto complainant has appointed A1, as power agent and sold the property of the de facto complainant's husband to third party. He has submitted that accused persons forged a power of attorney document and affixed the photo of the husband of the de facto complainant and identified as de facto complainant's husband and sold the property. Documents are to be collected and verified. He further stated that investigation of the case is pending.

5.Considering the facts and circumstances of the case and also alleged charges are serious in nature, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
07/12/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT. CR.NO. 53 OF 2015.

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

+1. CC to M/S P.T.RAMESH RAJA Advocate SR.No.69802

ORDER
IN
CRL OP(MD) No.17137 of 2015
Date :07/12/2015

trp
SH/GSV-AN/SAR-I:14.12.2015:2P/4C