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

Tuesday, the Tenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3285 of 2015

1 S. SHANMUGA RAJESWARAN
2 P.K. KARUPPANAN ... PETITIONERS /RANK NOT KNOWN

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, ANTI LAND GRABBING
SPECIAL CELL, MADURAI,
CRIME NO.NOT KNOWN OF 2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.LAKSHMI SHANKAR Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate ( Crl. Side)

For Intervenor : Mr.G.Karuppasamypandian, Advocate

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

ORDER : The Court Made the following order :-

Heard the learned counsel for the petitioner, the respondent police, the learned Government Advocate (Crl.Side) and the learned counsel for the defacto complainant.

2.Initially, this petition was filed showing the crime number as “Not known' and therefore, this Court granted interim anticipatory bail to the petitioners on 24.02.2015 for a period of 2 weeks, directing the petitioners to appear before the respondent Police at 6.00 p.m every day.

3.Today, the respondent Police have file a status report, in which they have stated that a regular case in Cr.No.29/2015 for offences under sections 120-B, 406 and 420, 506(i) of I.P.C has been registered by the respondent Police on 09.03.2015 against the petitioners and others.

4.According to the prosecution, the defacto complainant borrowed Rs.3,50,000/- from the first petitioner and executed a Power of Attorney in respect of the property belonging to the defacto complainant only as a security. The Power of Attorney was executed on 17.05.2013 in favour of the first petitioner.

5.It is seen that on the very same day, i.e on 17.05.2013, the first petitioner has sold the defacto complainant's property to second petitoner/A-2, within a few hours. Thus, the allegations against the first petitioner is that he is a professional money lender and he adopts this modus operandi of obtaining Power of Attorney as security from borrowers and using the same, he sells the property and demands exorbitant interest.

6.The respondent Police have also stated that there are five cases against the petitioner in

1. Cr.No.01/2012, u/s 120(b), 406, 420 and 506(i) I.P.C
2. Cr.No.02/2012, u/s 120(b), 406, 420 and 506(i) I.P.C
3. Cr.No.03/2012, u/s 120(b), 406, 420 and 506(i) I.P.C
4. Cr.No.10/2013, u/s 120-B, 468, 471, 406 and 420 I.P.C
5. Cr.No.115/2013, u/s 120-B, 406 and 420 I.P.C



7.The learned counsel for the petitioners submits that one case has been quashed by the High Court.

8.Be that at it may, this case is not an isolated transaction and it is seen that there are four cases barring the case that has been quashed against the petitioners. The respondent Police in paragraph No.6 of the status report, stated as follows:

> "It is respectfully submitted that the enquiry disclosed that the petitioner/accused No.1 with a clever manipulation forced the defacto complainant to execute a general power of attorney for the purpose of extending loan of Rs.3,50,000/- with 3½ % interest and on executing the general power of attorney on 17.05.2013, by deducting the expenses towards the execution of general power of attorney as well as broker commission, paid him Rs.3,02,000/-. On the same day, i.e. 17.05.2013, the petitioner/accused herein conveyed the said property for which General power of attorney was executed to the nearby plot owner namely the second petitioner/accused herein. The petitioner/accused was persisting with the criminal camouflage by receiving the interest of Rs.12,250/- per month for 17 months and the defacto complainant have also paid the interest one time through his bank account held by the petitioner/accused No.1 herein and that he, on coming to the know the cheating, demanded to return back the General Power of Attorny, he was threatened of dire consequence. Inasmuch the complaint and the subsequent petition enquiry disclosed commission of cognizable offence, a case in Cr.No.29 of 2015 under Section 120(B), 406, 420 and 506(i) I.P.C on the file of the District Crime Branch was registered on 09.03.2015 for the offences of criminal conspiracy, criminal breach of trust, cheating and investigation has been taken up."

9.In view of the serious nature of the allegations against the petitioners, this is not a fit case for granting anticipatory bail to the petitioners. Hence, this anticipatory bail petition is dismissed.

sd/-
10/03/2015

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, ANTI LAND GRABBING
SPECIAL CELL, MADURAI.

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

Sr:13.03.2015:3P/3C

ORDER
IN
CRL OP(MD) No.3285 of 2015
Date :10/03/2015