



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

Friday, the Thirtieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.441 of 2015

WEB COPY

E. KARUPAIYA ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SUBRAMANIYAPURAM POLICE STATION,
PALANGANATHAM, MADURAI ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.GOMATHI SANKAR Advocate

For Respondent : MR.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 r/w 34 IPC in Crime No.123 of 2015 on the file of the respondent police, seeks anticipatory bail.

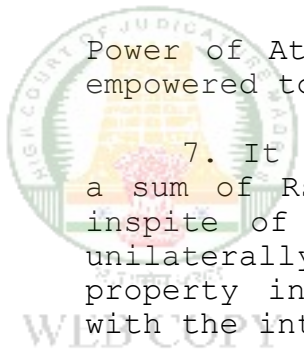
2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. This petition was filed, when a regular case was not registered and the petitioner has shown the Crime Number as "Not Known of 2014". Hence, this Court granted interim anticipatory bail on 13.01.2015, directing the petitioner to appear before the respondent Police for a period of two weeks and also directed the respondent police to file a status report.

4. Today, the respondent Police have filed a status report, in which they have stated that they have registered a regular case in Crime No.123 of 2015 under Sections 406, 420 r/w 34 IPC on 26.01.2015.

5. Learned counsel for the petitioner filed a typeset of paper and contended that the property in question, namely, Plot No.4 measuring about 2073-3/4 sq.ft., (hereinafter referred to as "the subject property"), was purchased by him from one Salaimuthu on 05.10.2007. As the petitioner was working in Dubai, he had given a Power of Attorney dated 11.04.2012 in favour of the defacto complainant, who admittedly is his brother-in-law, having married the petitioner's younger sister. He also contended that the petitioner had given a Power of Attorney to the defacto complainant (his brother-in-law) only to take care of the property and not for any alienation.

<https://hcservices.courts.gov.in/resolices> of the Power of Attorney dated 11.04.2012, it clearly states that the petitioner has executed the same in favour of the defacto complainant for consideration of Rs.4,50,000/- and in the recitals of the



Power of Attorney, it is clearly stated that the defacto complainant is empowered to alienate the same.

7. It is the case of the defacto complainant that he had also given a sum of Rs.20,00,000/- to the petitioner on 11.04.2012 under receipt, inspite of which, the petitioner has cancelled the Power of Attorney unilaterally on 11.07.2014 and has executed a gift deed in respect of the property in favour of his sons Chellakumar and Gopinath on 30.07.2014 with the intention of creating encumbrance thereon.

8. Learned counsel for the petitioner submitted that the receipt dated 11.04.2012 for Rs.20,00,000/- has been forged by the defacto complainant.

9. However, on casual comparison of the alleged signature of the petitioner in the receipt dated 11.04.2012 with the signature in other admitted documents, like Power of Attorney dated 11.04.2012 and the gift deed dated 30.07.2014, this Court does not find any great differences.

10. It is seen that this petitioner has cleverly lodged a complaint on 19.07.2014 before the Sub-Inspector of Police Anna Nagar Police Station, Madurai, stating that original documents relating to the subject property were lost in Mattuthavani Bus Stand on 11.07.2014 and has obtained a non traceable certificate from the said Police Station on 20.07.2014. But actually speaking, the original documents have been given by the petitioner to the defacto complainant, as the defacto complainant had paid Rs.20,00,000/- to him. Only to cover up this aspect, the petitioner has given a false complaint before the Anna Nagar Police Station that original documents were lost.

11. Taking into consideration the manner in which the offences have been committed, this Court is not inclined to grant anticipatory bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-

30/01/2015

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE
SUBRAMANIPURAM POLICE STATION, PALANGANATHAM, MADURAI

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

ORDER

IN

CRL OP(MD) No.441 of 2015

Date :30/01/2015

rg.04.02.2015

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