

Crl.O.P.No.3378 of 2016**K.KALYANASUNDARAM, J.**

The petitioner, who is arrayed as A-1, was arrested and remanded to judicial custody on 25.01.2016 for the alleged offences punishable under Sections 465, 468, 471 and 420 of IPC in Crime No.7 of 2016 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that by a registered sale deed, the petitioner / A-1 purchased 2.25 acres of land in the year 1979 and subsequently in the year 1989, he sold 50 cents each to three persons by three registered sale deeds and the remaining property of 75 cents was sold to the de facto complainant in the year 1991. Subsequently, the petitioner conspired with other accused decided to cheat the purchasers and in pursuance of the conspiracy, he settled 75 cents to his daughter / A-2, which was already sold to the de facto complainant in the year 2011 and thereby cheated him.

3.Learned counsel appearing for the petitioner would submit that A-1 and A-2 have been in possession and enjoyment of the property for the past 25 years and based on the possession, he settled the property in favour of his daughter. It is further submitted that the dispute between the petitioner and the de facto complainant is purely civil in nature and the present complaint was given after four years, without any explanation to the delay.

K.KALYANASUNDARAM, J.

4.Per contra, learned counsel appearing for the intervenor vehemently opposed the bail petition contending that the property already sold to the de facto complainant in the year 1991 was again settled by A-1 in favour of his daughter / A-2 with a view to grab the property of the de facto complainant. It is further submitted that A-1 and A-2 have encumbered the property by mortgaging the same in the bank.

5.Learned Government Advocate [Criminal Side] appearing for the respondent would submit that the investigation is not yet completed.

6.Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and therefore, this Criminal Original Petition is dismissed.

25.02.2016

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2/2