

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.26047 of 2017

S.SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE: REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM XVIII, VEPERY,
CHENNAI-600 007,
CR.NO.411 OF 2015.

For Petitioner : M/S.R.MUTHUKUMAR Advocate

For Respondent : MR. K.MATHAN, Govt. Advocate (Crl. Side)

For Intervener : M/S.K.SELVARANGAN Advocate

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

ORDER : The Court Made the following order :-

Mr.V. Abraham Cruz Durai Raj, Inspector of Police, C.C.B, Chennai is present today.

2. This is the third anticipatory bail petition and the earlier anticipatory bail petition in CrI.O.P.No.12691 of 2015.. etc batch was dismissed on 08.07.2015 and the second anticipatory bail petition in CrI.O.P.Nos.10014 and 10781 of 2016 were dismissed by this Court by a very detailed order on 09.08.2017,

3. The case of the prosecution has been vividly stated in paragraph No.2 of the order dated 09.08.2017 which is as under:

2 It is the case of the de facto complainant that the property in question is a prime property in Door No.7/4, Mahalakshmi Street, Perambur and that originally, the said property belonged to one Balakrishnan. From the said Balakrishnan, it devolved on Rajammal who died on 18.10.1997 leaving behind as her heirs Saraswathi, Balakrishnan, Santhanalakshmi, Lakshmi Devi and Rama Devi. The said legal heirs gave a power of attorney dated 12.03.2014 registered as document

no.1081 of 2014 to one Saraswathi, on the strength of which, Saraswathi sold the property to Karthika and Banumathy, who are none other than the daughter and wife of the de facto complainant. While so, Indrani Ammal (A1) was the tenant in the said property and eviction proceedings were initiated against Indrani Ammal (A1) by Rajammal herself. Ultimately, the matter went upto the High Court and before the Lok Adalat in C.R.P. No.1905 of 2010 and before the Lok Adalat, Indrani Ammal (A1) and the landlord entered into a compromise in which Indrani Ammal (A1) accepted that she was the tenant. While so, Indrani Ammal, claiming herself to be the owner of the property, registered a settlement deed vide document no.1490/2012 dated 12.04.2012 in favour of her daughter Amul (A2) and Amul (A2), in turn, settled the property by settlement deed vide document no.2495 of 2012 dated 05.06.2012 in favour of her son Satish Kumar (A3) and Satish Kumar (A3), in turn, has given power of attorney vide document no.358 of 2012 dated 12.07.2012 in favour of Shankar. Shankar executed a sale deed dated 2669 of 2012 dated 18.07.2012 in favour of Vijaya. Vijaya deposited the document in Indian Bank, Teynampet Branch and obtained loan on 15.11.2012.

4. It is seen that the property in question belonged to the family of the defacto-complainant and Indrani Ammal was the tenant in the property. She has created false documents as if she is the owner of the property along with her daughter Amul and grandson Satish Kumar. Thereafter, they have given power of attorney to the petitioner herein, who, in turn, executed a sale deed in favour of Vijaya. This Court has granted anticipatory bail to Vijaya in Crl.O.P.No.10014 of 2016 and in the same petition, this Court dismissed anticipatory bail to this petition on the ground that the allegation against him are indeed very serious.

5. On a reading of the statement of Amul, involvement of the petitioner in the offence has been set out. The police have arrested Indrani Ammal and Amul. Satish Kumar and this petitioner are in abscondence.

6. The learned counsel for the petitioner submitted that after anticipatory bail was granted to Vijaya, she has appeared before police and gave a statement.

7. In the opinion of this Court, that can in no way be of any help to the petitioner herein. Inasmuch as, it was this petitioner, who was the power of attorney holder for the principal accused in this case.

8. In such view of the matter, there is no change in factual situation for granting anticipatory bail to the petitioner. The petition is devoid of merits and the same is dismissed.

-sd/-
06/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM XVIII, VEPERY, CHENNAI-7.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary charges

CRL OP.26047/2017

Date :06/12/2017

MK:14/12/2017