

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NO.6010 OF 2019

& CRL.MP.NO.5715 OF 2019

K.THIRUNAVUKARASU @ K.T.MUDHALIYAR [PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
LAND GRABBING SPECIAL CELL,
KANCHEEPURAM DISTRICT
CR.NO.NOT KNOWN OF 2018.

For Petitioner : M/S.C.B.MURALIKRISHNAN Advocate

For Respondent : M/S.T.P.SAVITHA, Govt. Advocate (Crl. Side)

For Intervenor : M/S.P.EBENEZER PAUL Advocate for
M/S.V.KRISHNAMURTHY Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 of IPC, in Crime No.27 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused created forged documents to the effect that the properties belonging to the Ambalavanar Trust, as if their ancestral properties and executed Power of Attorney in favour on Prabhakaran, Adhikesavan and Harikrishnan. Then based on those forged Power Documents sold out the Trust properties, for their wrongful gain.

3. Learned counsel for the petitioner would submit that the petitioner is no way connected with the offense. The petitioner has only given the power of attorney in favour of Prabhakaran, Adhikesawan and Harikrishnan. After receiving the power of attorney, the said persons grabbed the property. Subsequently, the petitioner had cancelled the power of attorney executed in favour of those persons in the year 2015. The learned counsel for the petitioner would further state that the co-accused, namely A2 to A9 were granted Anticipatory Bail by this Court as well as Sessions Court. Further, as investigation is completed and charge-sheet has been filed in the

case and therefore custodial interrogation is also necessary. On these grounds, the learned counsel for the petitioner prays for the grant of Anticipatory Bail.

4. The learned Government Advocate submits that the petitioner has been absconding all along. Therefore, in the absence of the petitioner, the investigating officer had to file the absconding charge-sheet, which could be revealed from the status report filed by the investigating officer. Hence, custodial interrogation is necessary in this case so far as the petitioner is concerned

5. Mr. P. Ebenezer Paul, Mr. V. Krishnamurthy, learned counsel appearing for the intervenor had submitted that the petitioner along with other accused persons jointly planned a huge racket to grab the properties of the Trust, by executing forged power of attorney document. The other accused persons obtained anticipatory bail before this Court as well as before the Sessions Court.

6. However, the petitions filed before this Court for anticipatory bail in CrI.OP.Nos.17123 and 20085 of 2018 were dismissed by orders dated 16.08.2018 and 06.09.2018 respectively. Further the very same petitioner filed anticipatory bail petition in CrI.OP.No.27233 of 2018 and the same was dismissed as withdrawn on 05.12.2018 and now the present petition has been filed, with a prayer to grant anticipatory bail. In the present petition, the petitioner has not shown any change of circumstances for granting the anticipatory bail, except merely stating that investigation is completed and charge sheet has been filed. As the petitioner has not shown any change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the petition is dismissed.

-sd/-

11/06/2019

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

TRUE COPY
WEB COPY

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

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
LAND GRABBING SPECIAL CELL,
KANCHEEPURAM DISTRICT.

+1CC to M/S.C.B.MURALIKRISHNAN Advocate on payment of
necessary charges SR NO.11361

CRL OP.6010/2019

Date :11/06/2019

MK:18/06/2019



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