

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2152 of 2020

S.SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

1 STATE OF TAMILNADU REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE.

For Petitioner : M/S.C.RUBAN D SILVA Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences under Sections 120 B, 170, 406, 468, 471, 419 and 420 of IPC in Crime No.56 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property and he mortgaged the property with Amar finance in the year 2014 to the tune of Rs.30 lakhs. However, though he repaid all his dues, the said finance company states that he have to pay Rs.16,50,000/- as interest and accordingly, the defacto complainant decided to sell his property. At that time, a lady broker contacted him and stated that her brother was District Judge and she can arrange for a meeting with her brother, i.e., Petitioner/A4, who is a practicing advocate at Coimbatore District Court, posing himself as a District Judge and they were ready to arrange a buyer and ready to pay the amount and also settle the loan amount. The Petitioner/A4 with some others, fraudulently obtained a power of attorney to sell the petitioner's property and sold the same to some third parties without the knowledge of the defacto complainant, which was worth about Rs.1 crore and handed over only a meager amount. Hence the complaint.

3.The learned counsel for the petitioner would submit the petitioner has not committed any offence as alleged by the prosecution. In fact the petitioner is a practicing advocate and the entire amount was paid and the defacto complainant issued a receipt

on 25.12.2018. However, the sale deed executed on 17.12.2018 itself. Accordingly, he prays for grant of anticipatory bail.

4.The Additonal Public Prosecutor appearing for State would submit that though subsequently the receipt was given prior to the sale deed however in the present case the sale deed executed in favour of A6 on 17.12.2018. However, the receipt was produced on 25.12.2018 and in fact the defacto complianant is the owner of the property, he was paid only a meager amount and cheated the defacto complainant. Hence, he vehemently opposed for grant of bail to the petitioner/A4.

5.Considering the facts and circumstances of the case and considering the fact that a huge amount of money is involved and that the petitioner has posed himself as a District Judge, the proper investigation is necessary, I am not inclined to grant anticipatory bail to the petitioner. Accordingly this Criminal Original Petition is dismissed.

-sd/-

07/02/2020

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 STATE OF TAMILNADU REP.BY
INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.RUBAN D SILVA Advocate on payment of necessary charges

CRL OP.2152/2020

Date :07/02/2020

RD 14/02/2020