

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11739 of 2020

T.Suresh Mathew

... Petitioner/A-3

Vs.

The State represented by,
The Inspector of Police,
K-2 Aynavaram Police Station,
Chennai. (Crime No.88 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner/Accused on bail in the event of his arrest by the respondent police in connection with the Crime No.88 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 465, 468, 471, 420 and 506(ii) of IPC, in Crime No.88 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Vincent is that the accused approached him during the year 2017 and in the guise of obtaining loan for the defacto complainant, they have got power of attorney from him and thereafter, by fabrication of documents and fabrication of life certificates, they have sold the property to one Rajesh and they did not give loan amount and that the accused had received the loan amount.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been

falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that 1830 sq.ft house site was settled in favour of the complainant and his sister by his father in the year 2004. He would submit that the complainant is a Priest in Church and he has constructed a house in the year 2013 by arranging loan from third parties. As the loan was fetching huge interest, A6/Hari who is a school teacher, has approached the defacto complainant and assured to arrange loan for Rs.20,00,000/- at low interest. A4 and A5 had assured to arrange loan and had introduced A1/Loganathan. A1 in turn introduced A2 & A3 in the year 2017, and they got Power of Attorney in the name of A3 and they made defacto complainant and his mother to execute power of attorney in favour of A2/Raju on 06.07.2017 and they have also received the signatures of the defacto complainant in the unfilled check but they did not arrange any loan. Thereafter, they gave only five lakhs to defacto complainant. But however, based on the power of attorney, they have created a sale deed in favour of A5 by getting a loan from LIC Housing finance for Rs.48,00,000/- and deposited the amount in the defacto complainant's account and based on the signed cheques obtained from the defacto complainant, withdrawn the amount and thereby cheated the defacto complainant. He would submit that it is a larger scam and the arrest of the petitioner is necessary and that custodial interrogation of the petitioner is necessary and thereby the would oppose to grant of anticipatory bail.

5 Heard both sides and perused First Information Report.

6 Taking into consideration the facts and submissions made by the learned counsel and considering the fact that the petitioner by fabrication of documents, forgery and misrepresentation, had cheated the defacto complainant and his mother to the tune of Rs.48,00,000/-, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-
19/08/2020

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

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

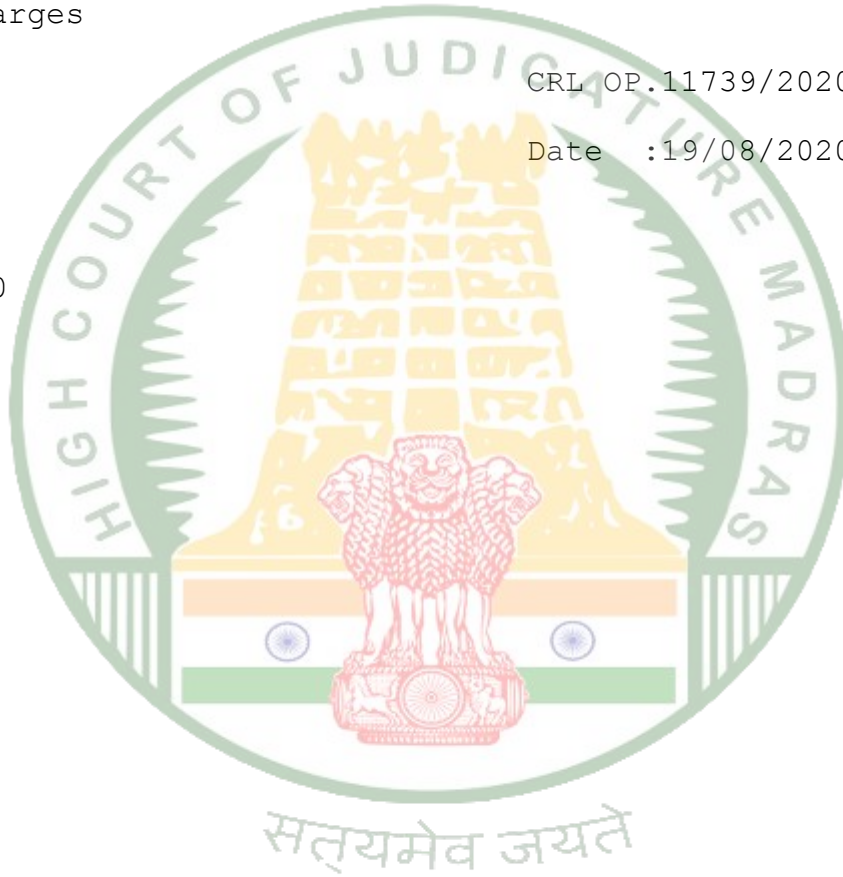
4 THE INSPECTOR OF POLICE,
K-2 AYNARAM POLICE STATION,
CHENNAI.

CC to M/S. ILAYARAJA KANDASAMY Advocate on payment of
necessary charges

CRL OP.11739/2020

Date :19/08/2020

TA-16/09/2020



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