

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.34168 of 2019

AND CRL.MP.NO.976/2020

1 I.SATHYANATHAN
2 S.SURESH

[PETITIONER / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-4 EDF-II, VEPERY,
CHENNAI-7.

[RESPONDENT]

1 M.CHANDRASEKARAN
2 L.ALBERT KARUNAKARAN

[PETITIONER/INTERVENERS/DEFACTO
COMPLAINANTS IN CR.NO.341 OF 2019]

**[ordered as per the order of this court dated 27/01/2020 made in
CRL.MP.NO.976/2020 IN CRL.OP.NO.34168/2019.]**

For Petitioner : M/S. T.RAMACHANDRAN Advocate

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

For Intervener : M/S.SYED IBRAHIM Advocate

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 506(i) read with 34 of IPC in Cr.No.341 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are arrayed as A3 and A4 and they are the owners of the property. The petitioners executed power of attorney in favour of A1 and A2 who are builders. A1 and A2 are alleged to have received money from the defacto complainant by making false promise to the defacto complainant that they will construct a flat and execute sale deed in favour of him. However, they neither executed sale deed in favour of the defacto complainant nor returned his money. Hence, the defacto complainant lodged a complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A3 and A4 and they are the owners of the property. He would further submit that the first petitioner/A3 executed power of attorney infavour of A1 and A2 for construction joint venture agreement and they decided to share 50% of the constructed area to the petitioners and 50% of the area to A1 and A2. He would further submit that the second petitioner/A4 did not involve in any of this and hence unnecessarily implicating the second petitioner/A4 as accused in this case is un-sustainable. He would further submit that subsequently, the first petitioner also cancelled the power of attorney on 11.12.2019 and would further submit that it is for the defacto complainant to work out the remedy in the manner known to law.

4.The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners. He would submit that the petitioners and A1 and A2 entered into joint venture agreement for construction of flats and accordingly the petitioners executed power of attorney in favour of A1 and A2. The defacto complainant believing the power of attorney, invested a sum of Rs.77 Lakhs for purchasing the flat. However, they neither executed sale deed in favour of the defacto complainant nor returned his money, instead, when the defacto complainant approached the petitioners, they mis-behaved with him. Hence, if anticipatory bail is granted to the petitioners it will defeat the prosecution case.

5.The learned Additional Public Prosecutor would submit that the petitioners are the owners of the property. On the basis of the power of attorney executed by the petitioners, A1 and A2 collected money from the defacto complainant. Thereafter, in collusion with the petitioners, A1 and A2 cheated the defacto complainant. He would further submit that investigation is under progress. Hence, if the petitioners are enlarged on anticipatory bail, it will affect the investigation.

6.Considering the amount involved, the fact that on the basis of the power of attorney executed by the petitioners, A1 and A2 collected money from the defacto complainant and thereafter, in collusion with the petitioners, A1 and A2 cheated the defacto complainant and considering the gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is dismissed.

-sd/-

27/01/2020

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 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TEAM-4 EDF-II, VEPERY,
CHENNAI-7.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. T.RAMACHANDRAN Advocate on payment of necessary
charges SR.NO. 1474

CC to M/S. P.SYED IBRAHIM Advocate on payment of necessary
charges SR.NO.

CRL OP.34168/2019

AND CRL.MP.976/2020

Date :27/01/2020

RD 03/02/2020



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