



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.3598 of 2020

1. E.Ramachandran,
2. E.Chittibabu,

... Petitioners/Accused No.1,2

Vs

The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur
(Crime No.40 of 2019).

... Respondent/Complainant

For Petitioner : Mr..C.M.Arumugam,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

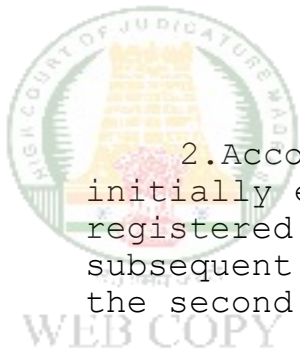
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This petition has been filed apprehending arrest based on the complaint given by one Savithiri alleging forgery and cheating. According to the de-facto complainant, the first petitioner has forged the power of attorney, dated 13.07.2012, in respect of his property and based on the forged power of attorney he has alienated the de-facto complainant's property in favour of the petitioners' father. Thereafter, the gift settlement deed was made by the petitioners' father to the second petitioner vide document, dated 02.04.2014. Alleging that the entire transaction based on the power of attorney deed, dated 13.07.2012 is fraudulent transaction and the beneficiaries are culprits, liable to be prosecuted under Section 417, 420, 465, 468 and Section 34 of IPC, hence, a case has been



2. According to the petitioner, the power of attorney was initially executed by the de-facto complainant on 14.07.2006 and its registered deed. Only based on that power of attorney document, the subsequent transaction in favour of the petitioners' father and to the second petitioner took place. Hence, seeks anticipatory bail.

3. The learned Government Advocate (Crl. side) for the State would submit that the complaint of Savithiri was registered in F.I.R. No.40 of 2019 against the petitioners and after completion of investigation final report also filed against the petitioners as absconding accused. The learned Judicial Magistrate No.II, Pattukottai has taken the final report on file in C.C.No.29 of 2020.

4. According to the de-facto complainant, based on the power of attorney, dated 14.07.2006, the property of the de-facto complainant was transferred to the petitioners' father and later gifted to the second petitioner. It is the case of the de-facto complainant that the power of attorney deed was not signed by the de-facto complainant. Hence, the transaction with the property based on the said power of attorney deed is false. The specific case of the de-facto complainant is that after transferring the property, the first petitioner has not paid the sale consideration and since the petitioners did not participate in the investigation. After completion of investigation, the respondent has filed absconding charge sheet in C.C.No.29 of 2020, on the file of the learned Judicial Magistrate No.II, Pattukottai, for the offences under Sections 417, 420, 465, 468 and Section 34 of IPC. Since the investigation has disclosed enough materials for those offences, final report has been filed before the concerned Magistrate and the Magistrate has also taken the complaint on file.

5. Hence, this Criminal Original Petition stands dismissed. It is open to the petitioner to appear before the concerned Magistrate and seek appropriate remedy.

sd/-
02/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.II, PATTUKOTTAI.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE, PATTUKOTTAI.

3 THE INSPECTOR OF POLICE
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.C.M.ARUMUGAM Advocate SR.No.4679

ORDER

IN

CRL OP(MD) No.3598 of 2020

Date :02/03/2020

KM/ (06.03.2020) SKN/SAR2/ 3P 6C