



Crl.O.P.(MD)No.5085 of 2020

P.VELMURUGAN, J.

The petitioners are arrayed as the first and second accused, who were arrested and remanded to judicial custody on 19.02.2020 for the alleged offences punishable under Sections 294(b), 120(b), 406, 420 and 506(ii) IPC and Section 4 of TNPHW Act in Crime No.25 of 2019, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the defacto complaint, her brother and her mother executed a registered power deed in respect of properties to the extent of 93 acres in favour of the first petitioner for security of loan of Rs. 5 lakhs and after paying the loan, the first petitioner did not return the power deed. It came to know that on the strength of the power deed, the first petitioner executed a sale deed fraudulently and when the same was questioned, the accused caused life threat to the defacto complainant.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the respondent police and the petitioners are the father and the son and they have been in custody for the past 62 days. He would further submit that till now, charge sheet has not been filed and they are entitled for mandatory bail and due to present



lock down situation, the petitioners could not approach the concerned Magistrate. It is the further submission of the learned counsel for the petitioners that the petitioners have filed the suits in O.S.Nos.143 and 144 of 2018 before the District Munsif, Kovilpatti. He would also submit that in last portion of the First Information Report, it is stated that they have paid Rs.14 lakhs and they have not paid the balance amount. But in the earlier portion it is stated that the accused gave loan with the wrong intention to grab the property. Pointing out the contradiction in the First Information Report, the learned counsel for the petitioners prays that the petitioners may be released on bail.

4. The learned Additional Public Prosecutor submitted that totally there are 3 accused in this case and the case is of the year 2012 and the documents have to be verified with the Registration Department and due to the present lock down situation, they could not verify the documents and complete the investigation.

5. I have heard both sides and perused the records.

6.The allegation of the defacto complainant is that the defacto complainant borrowed a sum of Rs.5 lakhs from the first petitioner for which they have executed power of attorney in the year 2012 and subsequently



they have paid interest and in the year 2018, they have paid the entire loan of Rs.5 lakhs and asked to return the original documents and after receiving Rs.5 lakhs, the accused have not returned the documents and they have sold the property by misusing the power of attorney deed and after receiving the amount the accused demanded further interest when the defacto complainant questioned the same, the accused threatened with dire consequences. In such circumstances, a complaint has been lodged. The learned Additional Public Prosecutor submitted that due to lock down situation the respondent police could not verify the documents with the Registration Office.

7. Due to peculiar situation, the respondent police could not complete investigation and file the charge sheet.

8. In view of the above said facts and circumstances of the case, I am not inclined to grant bail to the petitioner.

9. Accordingly, this petition is dismissed.

20.04.2020

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