

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1805 of 2021

and Crl.M.P.No.4130 of 2021

1.Sivakumar
2.Senthil

... Petitioners/Accused

-Vs-

State: Rep.by
The Inspector of Police,
EDF-II, Team IV,
Central Crime Branch, Chennai
(Crime No.314 of 2020)

... Respondent/Complainant

K.R.YUVITH

[PETITIONER-INTERVENER /
DE-FACTO COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT
DATED 15/06/2021 MADE IN CRL.MP.NO.4130/2021
IN CRL.OP.NO.1805/2021]

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.314 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Gowthaman

For Intervenor : Mr.A.Saravanan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER
(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471 r/w 34 of IPC and 109 IPC, in Crime No.314 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the property, viz., vacant land and a hotel, situated at Plot No.149, Vivekananda Street, Chennai was owned by one Sundara Ganesh, who is residing in USA. He had executed a power of attorney and appointed one Subramani as care taker of the property. Thereafter, the said Subramani executed a lease deed in favor of one Prabu. The A5 obtained a sub lease deed from said Prabu. Thereafter, he introduced as if A3 is the owner of the property to the defacto complainant and thereafter the A3 executed the sale deed in favor of the defacto complainant after receipt of Rs.1,10,00,000/- as sale consideration. Later, the defacto complainant came to know that A3 was impersonated as owner of the property and he was cheated. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. The petitioners are lawful tenants who obtained a lease and partnership agreement with one Prabu and running the hotel and except this, they did not commit any offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the Prabu has no right to sub-lease the property. Despite the A5 running hotel as sub-tenant and knowing very well that the Subramani is not the owner of the property, contrary to the same, he confirmed that A3 is the owner of the property and A3 impersonated the owner of the property and executed a sale deed in favor of the defacto complainant and cheated him. He would further submit that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the investigation is still pending and enlarging the petitioners on anticipatory bail at this point of time would be detrimental to the investigation, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
15/06/2021

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,
EDF-II, TEAM IV,
CENTRAL CRIME BRANCH, CHENNAI.

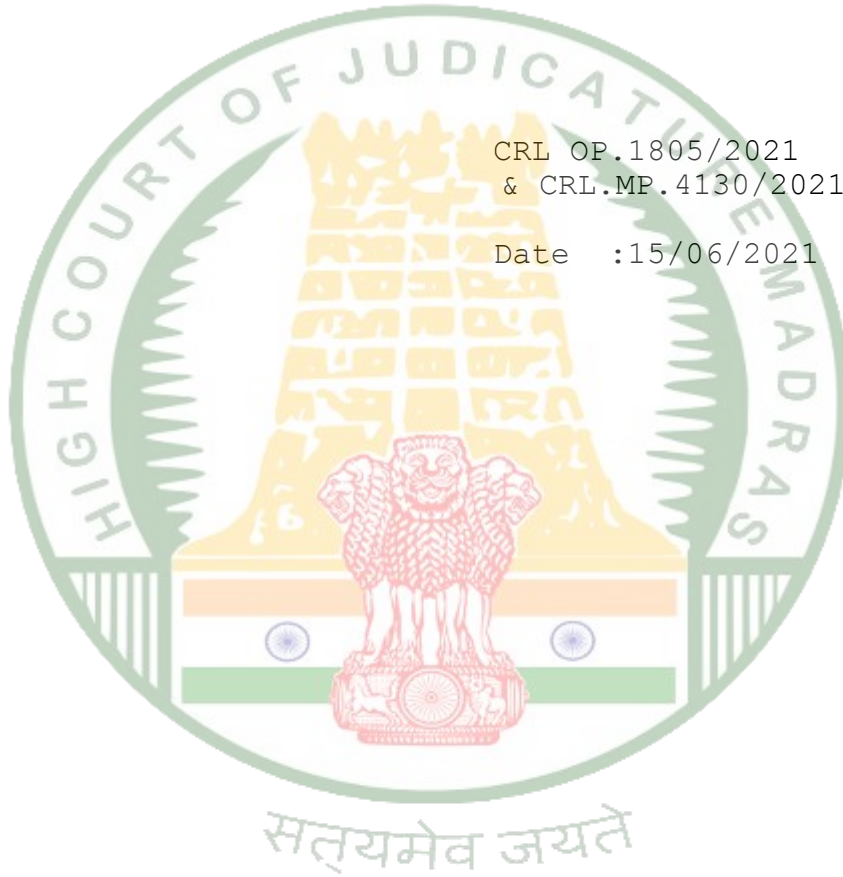
2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.GOWTHAMAN Advocate on payment of necessary charges

CRL OP.1805/2021
& CRL.MP.4130/2021

Date :15/06/2021

cs 08/07/2021



WEB COPY