

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NO.20263 OF 2020

AND CRL.MP.NO.4902 OF 2021

NITHYANANTHAM

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT /COMPLAINANT]

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
ALGSC, THIRUVALLUR,
THIRUVALLUR DISTRICT.
CRIME NO.22 OF 2020

M.KRISHNANLAL

[PETITIONER / DE-FACTO COMPLAINANT /
INTERVENER]

[Ordered as per order of this Court dated 27/04/2021 made in
CRL.MP.NO.4902 OF 2021 IN CRL.OP.NO.20263 OF 2020]

For Petitioner : M/S R.SASIKUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

For Intervener : M/S.M.BABU MUTHU MEERAN Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 419, 420, 465, 468, 471, 120(b), 506(i) of IPC in Crime No.22 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner, who is a retired Inspector of Police, was working under the defacto complainant as advisor for his legal works. While so, by creating bogus documents and General Power of Attorney, the petitioner herein is attempting to grab the land of the petitioner worth about RS.5 Crores and also preventing the defacto complainant from entering into his property. Hence, a complaint has been lodged against the petitioner and a case has been registered by the respondent police.

3.The learned counsel appearing for the petitioner would submit that originally one Munusami owned the properties in question and after his demise, his legal heirs became the owners of the said property. While so, the defacto complainant herein impersonated and created General Power of Attorney in favour of one Varalakshmi and executed a sale deed in favour of his wife as if he purchased the property from the said Varalakshmi. In this regard, the petitioner lodged a complaint as against the defacto complainant and others and the same was registered in Crime No.37 of 2019. As a counter blast, the present complaint has been registered against the petitioner. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned counsel for the intervenor submitted that his wife is the owner of the properties in question, which was purchased from the legal heirs of Ponnusamy Gramini in the year 2010. The defacto complainant and his wife were in possession and enjoyment of the said properties. All the revenue records stand in his wife's name. While so, the petitioner herein, who is a retired Inspector of Police, after his retirement joined the defacto complainant to help him in his legal issues. He was duly paid. However, due to misappropriation of funds, he left the defacto complainant. Thereafter, the petitioner who knows about the wealthy position of the defacto complainant threatens the defacto complainant and demands huge amount of money. Therefore, a complaint was lodged against the petitioner. Thereafter, the petitioner along with few others created fake power of attorney from one Pushpavalli including the survey numbers of the property of the defacto complainant and was demanding Rs.1 Crore from the defacto complainant to cancel the fake power of attorney. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate admitted the fact that the petitioner is a retired Inspector of Police and further submitted that investigation is still pending.

6.Considering the facts and circumstances of the case and also that petitioner is a retired Inspector of Police and taking advantage of the same, he threatens and demands huge amount of money from the defacto complainant and also considering the submission of the learned Government Advocate that investigation is still pending, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
27/04/2021

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,
DISTRICT CRIME BRANCH POLICE STATION,
ALGSC, THIRUVALLUR,
THIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.SASIKUMAR Advocate on payment of necessary charges

+1CC to M/S.M.BABU MUTHU MEERAN Advocate on payment of
necessary charges SR NO.5447

CRL.OP.NO.20263 OF 2020
& CRL.MP.NO.4902 OF 2021

Date :27/04/2021

MK:28/06/2021

WEB COPY