



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WEB COPY

CRL OP (MD) . Nos.3338 and 3688 of 2021

1.V.R.Krishnan ... Petitioner/Accused No.1 in CRL.OP.No.3338 of 2021

2.J.Heera ... Petitioner/Accused No.3 in CRL.OP.No.3688 of 2021

Vs

The State rep.by,
The Inspector of Police,
City Crime Branch, Madurai City.
(Crime No.7 of 2021)... Respondent/Complainant in both the petitions

For Petitioners : Mr.V.Baskaran,
Advocate.(In both the petitions)
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.side)
(In both the petitions)

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

COMMON PRAYER IN CRL OP (MD).Nos.3338 and 3688 of 2021:-

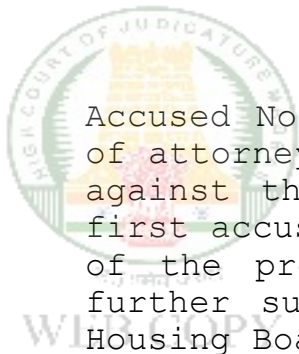
For anticipatory bail in Crime No.7 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 294(b), 506(i), 341, 447, 423, 468, 471 and 120(b) I.P.C, in Crime No.7 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased housing plot No.37, measuring 125 sq.ft through a registered sale deed dated 29.10.2010 from one Poombavai and Athiparasakthi, the alleged power agent of the second accused, through a registered power deed dated 04.11.1998. After that, the first accused had purchased the said housing plot through the third accused. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the defacto complainant claims to have purchased the property pursuant to the power deed dated 04.11.1998, without any valid title as on date. The sale deed was executed by the Housing Board whereas the power deed was created in the year 1998 and with the strength of the power deed, the sale deed was also executed in the year 2012. The



Accused No.3 is the power holder of the Accused No.1 through power of attorney which has been executed in the year 2014. The allegation against the petitioners is that the third accused along with the first accused created a subsequent power of attorney, after the sale of the property to the defacto complainant. The learned counsel further submitted that the Will itself has been confirmed by the Housing Board only in the year 2014. While so, without any title, if any deed has been created based on an invalid document, it will not impact on the subsequent power deed executed by these petitioners. Pending civil suit, the Housing Board plot was allotted to the first accused in the year 1996 and after obtaining no objection certificate from the Housing Board, the first accused executed a power deed to the third party and the third party in turn, has executed sale deed in favour of the defacto complainant in the year 2012.

4. Subsequent to the sale deed executed by the then power holder, subsequent power deed has been created by the first accused through the third accused in the year 2014 and in the strength of the second power deed, these petitioners have executed further sale deed in the year 2019.

5. Considering the nature of offence and the nature of allegations against the petitioners and in view of the above, this Court is not inclined to grant anticipatory to these petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-

13/09/2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.3338 and 3688 of 2021

Date : 13/09/2021