



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.1601 of 2022

M.VELU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
(CR NO.667/2021)

[RESPONDENT]

For Petitioner : M/S.M.KARTHIK Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

For Intervenor : MR.K.SELVAKUMARASAMY Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 174 Cr.P.C and altered into section 420 of IPC, in Crime No.667 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant had received a loan from the petitioner in the 2010 and as a security, he executed a Power of Attorney in favour of the petitioner with regard to his land. The petitioner without the knowledge of the defacto complainant and her husband, sold the above said property to some other persons. When the defacto complainant questioned about the same, the petitioner demanded to execute the sale deed with regard to her land having extent of 1 Acre 70 cents of land to return the 3.92 acres to him and as such the defacto complainant executed sale deed in favour of the petitioner's wife, but, failed to return the said land to the defacto complainant.



Thereby, the petitioner is alleged to have cheated the defacto complainant and caused mental agony to the defacto complainant's husband and thereby he died and lost his life. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the defacto complainant borrowed a loan from the petitioner/Prakash and executed a registered mortgage deed and also executed a power of attorney in favour of him. Again, the defacto complainant's husband borrowed a sum of Rs.20,00,000/- from the petitioner on 03.02.2014 and executed a registered mortgage deed in favour of the petitioner. Thereafter, the defacto complainant suffered loss in his business, instructed the petitioner to sell his land to discharge his loan, for which, the defacto complainant's husband gave a life certificate of him in order to enable the power of attorney to register the sale deed, by which, the petitioner sold the above land to the other persons. He further submitted that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervener raised objection stating that the petitioner grabbed the property of the defacto complainant, due to which the defacto complainant's husband suffered mental agony and consumed poison and died and he further submits that the petitioner is the habitual offender of grabbing the property by way of giving loan, due to which lot of persons suffered by this petitioner. Hence, he vehemently opposed the grant of bail to the petitioner.

5. The learned Additional public prosecutor submitted that the investigation agency seized the sale deed with regard to this case and investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

6. Considering the facts and circumstances of the case the above said property is worth about more than Rs.30 crores which is situated on the main road, which is grabbed by this petitioner and out of mental stress defacto complainant's husband died and if he released on bail he may tamper the evidence, this Court is not inclined to grant bail to the petitioner.

7. Further, this Court directs the investigation agency to retain the sale deed until disposal of this case.



8. With the above directions, this Criminal Original Petition is dismissed.

WEB COPY

-sd/-
27/01/2022

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,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.SELVAKUMARASAMY Advocate on payment of necessary charges SR.No.1377

CRL OP.1601/2022

Date :27/01/2022

CSK 15/02/2022