



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 21.03.2022

Pronounced on : 23.03.2022

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Cr1.O.P.No.5705 of 2022

L.N.Iyyapan

... Petitioner

/versus/

Station House Officer,
Thirunallar Police Station,
Karaikal.
(Crime No.15/2022)

... Respondent

Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest at the hands of the respondent police, pending investigation in Crime No.15/2022 on the file of the respondent police.

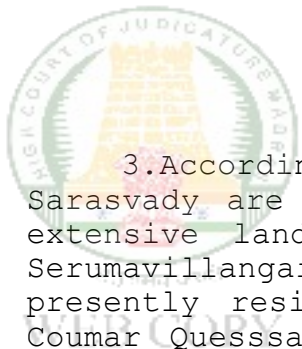
For Petitioner : Mr.S.P.Vijayaragavan

For Respondent : Mr.V.Balamurugane
Public Prosecutor(Pondy)

ORDER

The petitioner/A5, who arrested and remanded into the judicial custody on 21.02.2022, for the alleged offences punishable under Sections 467, 468, 471, 420 r/w 34 of IPC in crime No.15 of 2022 on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 21/02/2022 on a complaint given by one Gunasekaran.



3. According to the complainant, Coumar Quesssavane and Coumar Sarasvady are his uncle and aunty. They are French Citizens having extensive landed properties in Puducherry, Karaikal, Nedugadu and Serumavillangai. They died leaving behind 4 children, who are all presently residing at France. In order to grab the properties of Coumar Quesssavane and Coumar Sarasvady, Thiru.Devaraj (A-3), who is the brother of Coumar Quesssavane, in aid and connivance of his family members and others created forged Wills, as if Coumar Quesssavane had executed Will in favour of Anand, S/o Devaraj on 02/02/1996 and Coumar Sarasvady executed Will in favour of Anand, S/o Devaraj on 25/07/1996.

4. Based on the Wills, Anand (A-1) had executed a settlement deed in respect of the property at Serumavillangai and a part of his property at Villianur Commune, to his father Devaraj (A-3) and got it registered at Villianur Sub Registrar Office on 11/07/2018.

5. Similarly in respect of some property at Serumavillangai and Nedugadu settled in favour of his brother Adithya Sundarapandian (A-2) and got the settlement deed registered at Thirunallaur Sub-Registrar Office on 16/06/2020. Based on these two settlement deeds, A-2 and A-3, viz, Adithya Sundarapandian and Devaraj respectively had divested the properties in the name of other persons. Therefore, criminal action against the persons involved in making false documents and to retrieve the properties of Coumar Quesssavane and Coumar Sarasvady was sought.

6. This complaint was registered on 19/02/2022 in Crime No.15 of 2022 under Sections 420, 467, 468 and 471 r/w 34 of IPC and taken up for investigation. In the course of investigation, the evidence collected has unravelled that one Senthil Kumar @ Kattapomman, who was the brain behind the crime of land grabbing, created forged Wills in favour of A-1 (Anand), thereafter, based on the forged Wills, created the settlement deeds in favour of A-2 (Adhithya Sundarapandian) and A-3 (Devaraj). Further, alienation was created among the known persons to make the transactions genuine. While A-3 executed sale deed in favour of one Anand Jothi, W/o Senthilkumar, A-2 gave power of attorney to the present petitioner Iyyappan (A-5). The said Iyyappan as power agent on behalf of his principal Adhitya Sundarapandian sold it to one Amutha, W/o Jayakumar on 08/01/2021. The said Amutha through her power agent Santhi sold the property in favour of Dhanakodi on 09/06/2021. Thus, the participation of this petitioner in the crime of creating title documents in favour of various persons to erase the trace of the forgery will come to light in the course of investigation and hence, this petitioner A-5 was arrested.



7. Whereas the petitioner claims that he is a registered financier. For loan of Rs.5 lakhs advanced to the second accused he obtained the power of attorney as security. Since the loan amount was not paid, he sold it to one Amutha on 08/01/2021. The power deed executed by A-2 in his favour was later cancelled, therefore, he like any other innocent buyer had been cheated by A-1 to A-3.

8. The records collected by the prosecution reveals that, this petitioner has not stopped with getting power of attorney as security for the loan amount he advanced. He sold the property to one Amutha on the strength of the power of attorney deed. The proximity of time of various transactions in respect of the properties of late Coumar Quesssavane and Coumar Sarasvady, based on the forged Wills prima facie indicates this petitioner is part of the conspiracy team.

9. The prosecution is not able to secure A-4, who is still absconding. The criminal act of forgery and land grabbing using false documents, whether confine to the properties of Coumar Quesssavane and Coumar Sarasvady alone or it has extended to other properties of landlords in absentia are the matter to be probed. Unless this petitioner is confined in prison, the investigation will not progress without interference and tampering. Hence, this Court finds that it is not appropriate time to grant bail to this petitioner.

10. Hence, this Criminal Original Petition is dismissed.

-sd/-
23/03/2022

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 STATION HOUSE OFFICER
THIRUNALLAR POLICE STATION,
KARAIKAL.



2 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S.S.P.VIJAYARAGAVAN Advocate on payment of necessary
charges

CRL OP.5705/2022

Date :23/03/2022

JPA 28/03/2022