



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Fifth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.6845 of 2022

1 PADMANABAN
2 T.R.KANNIKA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CITY CRIME BRANCH,
COIMBATORE (CRIME NO.4/2022)

[RESPONDENT]

For Petitioner : M/S B.KUMARASAMY Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

For Intervenor : M/S N.PONRAJ Advocate

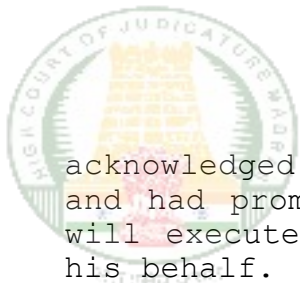
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under sections 120(B), 406 and 420 of IPC in Crime No.4 of 2022 seek anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the Government Advocate (Crl.Side) appearing for the respondent and also the learned counsel for the Intervenor appearing on behalf of the defacto complainant.

3. Based on the complaint given by the defacto complainant viz., Devasenapathi, alleging that the petitioners have been received a total sum of Rs.1,96,00,000/- for selling their property and also executed the Power of Attorney in favour of one M.C.Radhakrishnan. To the said effect had deceptively made the defacto complainant to cancel the Power of Attorney executed in favour of the said M.C.Radhakrishnan. Thereafter, he had settled the property in favour of his wife who is in turn had entered into Sale Agreement in favour of the third accused. The documents produced by the defacto complainant particularly the receipt issued by the first accused dated 23.09.2020 acknowledging the receipt of Rs.1,96,00,000/- by cash from his Power Agent viz., Radhakrishnan. The first accused has



acknowledged the receipt of full sale consideration of the property and had promised that he will not cancel the Power of Attorney who will execute the Sale Deed in favour of the defeacto complainant on his behalf.

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4. Later on another letter dated 01.03.2021, from the first accused to the defeacto complainant indicates that when the Sale Deed by M.C.Radhakrishnan as Power Agent of the first accused was executed on 15.02.2021 and presented for registration before the Sub Registrar Office. There was some issue regarding for acceptance of the documents. Since TSLR is not in the name of the owner for the purchase of accepting the TSLR, the first accused has prompted the defeacto complainant but request the Power Agent M.C.Radhakrishnan to agree for the cancellation of Power of Attorney and accordingly, the Power of Attorney was also canceled.

5. Meanwhile, the first accused Padmanaban has executed a Settlement Deed in favour of his wife/second accused valuing the property at Rs.3,26,00,000/- soon after the registration of the document on 11.03.2021. The second accused has entered into a Sale Agreement in favour of the third accused and received a sum of Rs.20,00,000/- and get the agreement of sale registered as Document No.4276/2021 dated 26.07.2021. Whereas, in this agreement for sale, the total value of the property is shown as only Rs.50 lakhs. From this document it is clear that the first accused who has aggrieved to execute the Sale Deed in favour of the defeacto complainant and acknowledged the receipt of total sale consideration vide receipt dated 23.09.2020 and letter dated 01.03.2021 had clearly obtained the Power of Attorney in favour of M.C.Radhakrishnan on 05.03.2021 had created alienation by settling the property in favour of his wife under a Deed dated 11.03.2021 and further Encumbrance by way of Sale Agreement, dated 26.07.2021.

6. In the light of the above facts, this Court finds that the petitioners are to be taken into custody. In the course of argument, the learned counsel for the petitioners would submit that the first accused had already been taken into custody by the respondent police and same is recorded.

7. For the reasons stated above, this Criminal Original Petition is dismissed.

-sd/-

25/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

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1 INSPECTOR OF POLICE,
CITY CRIME BRANCH,
COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S B.KUMARASAMY Advocate on payment of necessary charges
sr.4674

CRL OP.6845/2022

Date :25/03/2022

RVR 31/03/2022