



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION Nos.12771 & 12774 of 2022

NAGASUNDARI @ NANCY

[PETITIONER / ACCUSED
IN CRL.OP.NO.12771/2022]

UMMAIAMMAL

[PETITIONER / ACCUSED
IN CRL.OP.NO.12774/2022]

Vs

THE UNION TERRITORY OF PUDUCHERRY REP BY, [RESPONDENT/COMPLAINANT
THE INSPECTOR OF POLICE, IN BOTH PETITIONS]
CBCID POLICE STATION,
ORLEANPET, PUDUCHERRY
(CRIME NO.18/2020)

For Petitioner : M/S. B.BALAVIJAYAN Advocate [IN BOTH PETITIONS]

For Respondent : MR. V.BALAMURUGANE, Public Prosecutor for Puducherry
[IN BOTH PETITIONS]

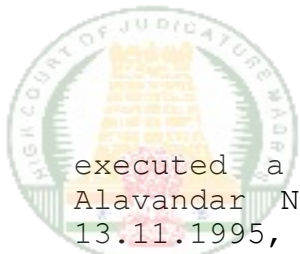
For Intervenor : DR.S.PADMA, Advocate [IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in both petitions apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 468, 471, 120(B) of IPC r/w Section 34 of IPC, in Crime No.18 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the property belongs to one Alavandar Nayakar Charity/Trust, under the control of Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu. Further, Originally the property belongs to one Alavandar Naicker



executed a Will to Muthukrishnan Naicker, Thereafter, the said Alavandar Naicker died 09.08.1914. Further, A-12 claimed that on 13.11.1995, the said Muthukrishnan Naicker executed a Will bearing Registration Document No.134/1995 at Sub Registrar's office T.Nagar, Chennai. Thereafter, the said Muthukrishnan Naicker died 21.03.1997. Based upon the said Will, A-12 K.M.Samy had executed a General Power of Attorney to A-3 Seetharaman vide Document No.1049/2006 dated 21.05.2006. Thereafter, the said A3 executed a sale agreement to one Kumaran (A6). Further, the said A3 Seetharaman executed unregistered sale agreement with the mother-in-law of the defacto complainant. The petitioners along with his family members had received a sum of Rs.1,63,00,000/- from the defacto complainant and created a bogus document in order to grab the property belonging to one Allavandar Naickar and cheated the defacto complainant. Hence, the complaint was registered.

3.The learned counsel for the petitioner in both petitions submitted that the petitioners are innocent persons and no way connected with the alleged offence. He would further submit that on the confession statement given by the co-accused, the petitioners have been falsely implicated in this case. Hence he prays to grant anticipatory bail to the petitioners.

4.The learned Public Prosecutor (Pondy) submits that the petitioners are the close relatives of the defacto complainant. He would further submit that the property belongs to one Alavandar Charity Mahabalipuram and Arulmighu Kandasamy Murugan Temple, Tiruporur. He would further submit that the petitioners along with his family members have created a bogus Will and cheated the defacto complainant. He would further submit that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor would submit that the petitioners had received a sum of Rs.1,63,00,000/- from the defacto complainant and cheated him. She further submitted that the petitioners already filed anticipatory bail petition before this Court and the same was dismissed by an order dated 27.04.2021 in Crl.O.P.No.18589 of 2020. Hence, she strongly opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances and also considering the fact that the earlier anticipatory bail petition has already been dismissed by this Court and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioners.



7. Accordingly, both the Criminal Original Petitions are dismissed.

WEB COPY

-sd/-

17/06/2022

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,
CBCID POLICE STATION,
ORLEANPET, PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

CC to M/S. B.BALAVIJAYAN Advocate on payment of necessary charges

CRL.OP.NOs.12771&12774/2022

Date :17/06/2022

CSK 24/06/2022