



Crl.O.P.No.15180 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 409, 467, 471, 420 and 506(2) of IPC, in Crime No.242 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner obtained a General Power of Attorney and Joint Venture Agreement from the defacto complainant on 05.11.2014 and sold the land owned by the defacto complainant by using the General Power of Attorney. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A1. The second accused only executed a Joint Venture Agreement in the name of the petitioner between the defacto complainant to develop the property. Accordingly, 60% share were executed in favour of the defacto complainant and 40% share were executed in favour of the petitioner. Thereafter, the petitioner constructed flats and registered the document in favour of the defacto complainant. He also pointed out that the other deeds executed by the petitioner were only on the basis of Power of Attorney executed by A2 in favour of the petitioner. In fact, the petitioner had never



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seen the defacto complainant so far at the time of developing the property. The defacto complainant executed a general Power of Attorney while execution of Joint Venture Agreement in favour of the petitioner. On the strength of the general Power of Attorney, the petitioner executed a Sale Deed in favour of A3 and A4. Therefore, the petitioner has nothing to do with the allegation made by the defacto complainant. In fact, A2 is the main culprit, who was arrested and remanded to the judicial custody. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the Intervener would submit that her husband entered into the Joint Venture Agreement with the first accused. A2 is the engineer of A1 and both colluded and cheated the defacto complainant. After demise of her husband. Her husband died on 16.02.2016 and thereafter they produced the life certificate of her husband as if he is alive, and executed a Sale Deed in favour of A3 and A4. A3 is none other than the broker and the A4 is son of A3. All the accused persons colluded each other and cheated the defacto complainant. That apart, they mortgaged the property and availed loan.

5. The learned Additional Public Prosecutor submits that the petitioner is arrayed as A1. A1 and A2 colluded each other and cheated the



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defacto complainant. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the facts and circumstances of the case, the custodial interrogation of the petitioner is very much required in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

08.07.2022

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