



Crl.OP.No.19942 of 2022

Crl.O.P.No.19942 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471, 120(B), 34, 109 of IPC in Crime No. 96 of 2021, seek anticipatory bail.

2. The case of the prosecution is that one Sukumar and Prakash approached the petitioners that they have got an vacant land for sale at Puthakaram Village, Madhavaram Taluk in Survey No.30/2 and 30/4 to an extent of 2440 sq.ft. The petitioners decided to purchase the said property and also availed loan. Since, two houses can be constructed and sold in the land, the 2nd petitioner has decided to get the land by way of two sale deeds. Accordingly, the sale deed was executed on 28.11.2020 vide document No.12832 of 2020 before the Sub Registrar, Ambattur to an extent of 1180 sq.ft. Another sale deed was executed on the same day vide document No.12833 of 2020 to an extent of 1260 sq.ft. After purchase, one Venkatraman, approached the petitioners for sale-



CrI.OP.No.19942 of 2022

WEB COPY

cum-construction of house in the purchased lands. Accordingly, the land was sold to the said Venkatraman on 03.02.2021 vide document No.1838 of 2021. Thereafter, the 2nd petitioner has constructed a house in the said land and handed over the same to the said Venkatraman. At present, the said Venkatraman is residing in the house. Thereafter, the defacto complainant came to know that the accused had the impersonation and false power of attorney was executed in favour of one Sukumar and the same was registered as document No.12830 of 2020. Based on the fabricated documents, the sale was executed in favour of the 1st petitioner by way of two sale deeds and the 2nd petitioner has signed as witness. Therefore, the petitioner was implicated in this case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A5 and A6. They are innocent purchasers from A1. In turn, the first petitioner/A5 sold out of the property to one Venkatraman for the total sale consideration of Rs.1,23,00,000/-. Therefore, they have nothing to do with the alleged complaint lodged by the defacto complainant, about impersonation.



CrI.OP.No.19942 of 2022

WEB COPY

4. It is seen that the defacto complainant is the original owner of the property. She was impersonated by the first accused to execute power of attorney and in turn A2 sold out the property by way of 2 sale deeds executed in favour of A5, who is the first petitioner herein. In the Power of Attorney as well as in the sale deed, her own husband Viz., the second petitioner/5th accused stood as witness. Therefore, all the petitioners herein had knowledge about the impersonation as well as the execution of power of attorney in favour of A2. In turn, the first petitioner/A5 executed the sale deed in favour of one Venkatraman. Now, on the complaint lodged by the defacto complainant before the District Registrar, the sale deed executed in favour of one Venkatraman and both the earlier sale deeds were declared as null and void. Therefore, the custodial interrogation of the petitioner is very much required.

5. Considering the facts and circumstances of the case, the custodial interrogation of the petitioners is very much required, hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.



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Crl.OP.No.19942 of 2022

30.08.2022

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WEB COPY



Crl.OP.No.19942 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No.19942 of 2022

30.08.2022