



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.23119 of 2021

1 K.VENGADAPATHY
2 SATHIYALAKSHMI
3 PANDIMEENA
4 MALAIAMMA
5 DHANALAKSHMI

[PETITIONERS/ ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
IYYANAR NAGAR, ORLIAPET,
PUDUCHERRY
(CRIME NO. NOT KNOWN OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.GNANASEKAR Advocate

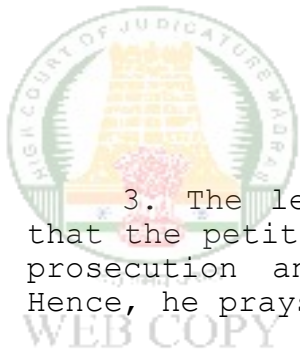
For Respondent : MR. V.BALAMURUGANE, Public Prosecutor for Puducherry

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 407, 420 of IPC in Crime No.not known of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint in his complaint is not sustainable in the eye of law and the defacto complainant has no locus standi to claim any right over the property which is subject matter of the complaint. Hence the entire allegation made in the complaint are false and concocted story invented by the defacto complainant for is selfish immovable property gain by hook or crook. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor (P) submitted that the 1st petitioner / A1 is a deemed power holder who fabricated a power of attorney executed by Sinouvassin, S/o.Krishnamoorthy Chettiar giving power to sell the property which belongs to the original owner. The said power deed was executed on 23.11.2020. But prior to the execution of power deed the original owner died before 3 months. Furthermore, the thumb impression of the original owner found in the power deed sent to the forensic lab and the report obtained therefrom states that the thumb impression is not of the original owner. Apart from that, he had executed document in favour of his wife / 2nd petitioner herein and the 3rd petitioner / friend's wife of A1. Besides, the wife of A1 pledged the property and obtained loan for more than Rs.80,00,000/-. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case and the submission of the learned Additional Public Prosecutor (P), it needs detailed investigation including custodial interrogation, if they released on bail they would tamper the evidence, this Court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

05/01/2022

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, IYYANAR NAGAR,
ORLIAPET, PUDUCHERRY.



2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1CC to M/S.M.GNANASEKAR
charges SR.No.225

Advocate on payment of necessary

CRL OP.23119/2021

Date :05/01/2022

CSK 11/01/2022