



CRL.O.P.No.29056 of 2022

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WEB C **T.V.THAMILSELVI,J.**

The petitioner, who apprehends arrest for the alleged offence under Sections 406, 409, 420, 465, 468, 471, 120 B r/w 34 IPC in Cr.No.52 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant executed power of attorney in favour of A2 for the alleged property and subsequently, the same was cancelled. However, A2 was alleged to have sold the property to A3/petitioner and the petitioner is alleged to have purchased the said property by obtaining loan from HDFC Bank for the sale consideration. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that now, the alleged property stands in the name of the petitioner and that he had purchased the said property from A2 in the year 2004. Thereafter, he entered into possession of the property. However, later he



came to know that the defacto complainant gave power of attorney to A2 and in turn A2 sold the property to the petitioner and that the defacto complainant had also executed a settlement deed in favour of her daughter in law. Therefore, the petitioner filed a suit in O.S.No.2412 of 2016 before the VII Assistant City Civil Court and the said suit was decided in favour of the petitioner. Thereafter, the defacto complainant preferred appeal in A.S.No.22 of 2019 before the XIX Additional City Civil Court, Chennai and the same was dismissed, confirming the order of the trial Court. Hence prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that A1 and A2 approached the defacto complainant for getting loan. Based on their promise, the defacto complainant gave power of attorney to A2 and subsequently, the same was cancelled. Thereafter, A2 was alleged to have sold the property to A3/petitioner and the petitioner is alleged to have purchased the said property by obtaining loan from HDFC Bank for the sale consideration. He would further submit that A1 and A2 are absconding and A3 plays a vital role in the alleged crime, which needs a detailed investigation. Hence, he vehemently opposed to grant anticipatory bail to



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the petitioner.

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5. Mr. Shanmugam, learned counsel appearing for the defacto complainant/Intervenor would submit that in order to grab the property of the defacto complainant, A1 and A2 have fraudulently created forged documents and sold the alleged property to the petitioner. He would further submit that the petitioner plays a major role in grabbing the property from the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the conduct of the petitioner and also that the main accused is still absconding, this court is not inclined to grant anticipatory bail to the petitioner and this case requires a detailed investigation.

7. Accordingly, this Criminal Original Petition is dismissed.

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