



CRL.O.P.No.577 of 2023

Crl.OP.No.577 of 2023

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

The petitioner, who was arrested on 01.11.2022 and remanded to judicial custody for the offences under Sections 420, 465, 467, 468 and 471 of IPC in Cr.No.184 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint alleging that her ancestral property which is located at No.7, Block 29, T.S.No.84, Balagi Singh Street, Mamabalam Village original was transferred from her ancestor. Accused – 1 and other accused hatched criminal conspiracy with an intention to get unlawful gain, fabricated election identity card by changing father name, created false patta and a false settlement deed in favour of one Thirunavukarasu (A2) on 16.11.2012 as document No.2267/2012 as if the same was settled in the name of Krishnaveni by impersonating his wife Renuka as Krishnaveni and executed the settlement deed document No.76/2013. Thereafter, the said Krishnaveni executed a general power of attorney and settlement deed in the name of Mr.Govindan. Subsequently, the said deeds were cancelled and another general power of attorney was executed in the name of petitioner on



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22.02.2013 and at present the petitioner is living in the said disputed property and restraining the defacto complainant from entering into the property. Based on the information given by the defacto complainant to the respondent police, the respondent police have registered the case and arrested the petitioner and remanded him to Judicial custody. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that this petitioner has been falsely implicated in this case and the FIR was registered with huge delay. The petitioner is only power agent of A3-Thirunavukarasu. Originally the property in dispute was settled in favour of Thirunavukarasu by his brother. Then he settled the property in favour of his wife and she executed a power of attorney and settlement deed in favour of one Govindan. Subsequently, the said deeds were cancelled in the year 2013 and another general power of attorney was executed in favour of this petitioner by A3/Thirunavukarasu on 22.02.2013. Even in the complaint, no specific allegations are made against this petitioner and he has been falsely roped into the present case. This petitioner has undergone Angio surgery and taking proper medical treatment and he is facing several obstacles in the



prison. The petitioner is in custody from 01.11.2022 and he is ready to abide by any condition that may be imposed on him. Hence prays for grant of bail to the petitioner.

4. The learned counsel for the intervener submitted that the property in question originally belonged to the defacto complainant/intervener Revathy and the petitioner along with other accused fabricated election identity card by changing father's name, created false patta and thereafter created a false settlement deed in favour of accused Thirunavukarasu, who in turn settled the property in the name of Krishnaveni by impersonating his wife Renuka as Krishnaveni, thereafter she executed a general power of attorney in the name of accused Govindan. Thereafter, they cancelled the settlement deed and general power of attorney and executed another general power of attorney in the name of this accused Ganesan on 22.02.2013. The petitioner created sale agreement for Rs.10 lakhs and illegally encroached this property. As on today, the accused Ganesan is illegally in possession of the property. Hence he strongly objected for grant of bail to the petitioner.



5. The learned Government Advocate (Crl.Side) submitted that

the property originally belonged to the defacto complainant Revathy and the petitioner along with other accused hatched criminally conspiracy and indulged in commission of this offence. In furtherance of their criminal conspiracy, the accused fabricated election identity card by changing father name, created false patta and thereafter created a false settlement deed in favour of accused Thirunavukarasu on 16.11.2012, who in turn settled the property in the name of Krishnaveni by impersonating his wife Renuka as Krishnaveni and executed the settlement deed and thereafter his wife executed a general power of attorney in the name of accused Govindan. Subsequently, they cancelled the settlement deed and general power of attorney and executed another general power of attorney in the name of this petitioner on 22.02.2013. From the year 2013 to till date, this petitioner kept the disputed property under his custody by encroaching and illegally gaining rental amount from the tenants. Further, he restrained the original owner from entering into the property. The property is worth about Rs.3 crores. During investigation, it came to light that the disputed property belongs to the defacto complainant Revathy and it was let out to one Dhanapal for rent who was the



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police personnel. At the instigation of said Dhanapal this accused consented for his criminal plan and they conspired together and hatched a criminal conspiracy and fabricated bogus documents. Except this petitioner and A3, other accused are still absconding and they are yet to be secured. If the petitioner is released on bail, he will tamper the evidences and will cause hindrance to the investigation. He further submitted that arrest of the petitioner is very recent one. Investigation is going on. Hence, he opposed to grant bail to the petitioner.

6.Taking into account the nature of offence and the submissions made by either side and there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

12.01.2023

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