



Crl.O.P.No.459 of 2023

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T.V.THAMILSELVI,J.

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 419, 465, 467, 468, 471, 120(B) of IPC, in Crime No.217 of 2022 on file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that the accused 1 & 2, petitioners herein, by impersonating him created a forged and fabricated Power of Attorney and sold the property, which belongs to the de-facto complainant to the accused 3 & 4. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are the bonafide purchasers of the property from one Sagunthala in the year 2000 vide Doc.No.65 of 2000 and Doc.No.166 of 2000 and only after that they came to know that the civil suit is pending for restraining the petitioners from the said property. He also stated



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that the civil dispute was compromised between the parties and the suit was decreed in terms of memo of compromise. He also stated that the de-facto complainant suppressing all those facts and in order to grab the property had lodged a false complaint against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners by impersonating the de-facto complainant created a forged and fabricated Power of Attorney and sold the property belongs to the de-facto complainant to the accused 3 & 4. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Learned counsel for the intervenor submitted that in the year 2011, the fabricated Power of Attorney was created by the accused in favour of A1 by impersonating the de-facto complainant. He also submitted that the accused with an intention to cheat the de-facto complainant and to grab his property, has fabricated the power of attorney.



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6. At this juncture, the prosecution also submits that the thumb impression found in the Power of Attorney was matching with the thumb impression of A1 and it is not identical with the de-facto complainant. Hence he prays to dismiss the anticipatory bail application filed by the petitioners.

7. Heard both the learned counsel for the petitioners and the de-facto complainant and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

8. On perusing the materials, this Court finds that the Power of Attorney is a fabricated document and this case needs detailed investigation including the custodial interrogation and the petitioners are not entitled for grant of anticipatory bail. Therefore, this Court is not inclined to grant anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition stands dismissed.

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