



CRL.O.P.No.3290 of 2023

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WEB CO **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 de-facto complainant executed power of attorney in favour of the accused A2 for the subject property and subsequently, the same was cancelled. However, the accused A2 had sold the said property to the petitioner and the petitioner in turn purchased the said property by obtaining loan from HDFC Bank. Hence, this complaint.

3. 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 the accused A2 in the year 2004. Thereafter, he entered into possession of the property. However, later he



came to know that the de-facto complainant gave power of attorney to the accused A2, who in turn sold the property to the petitioner and that the de-facto 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 and the subsequent appeal preferred by the de-facto complainant was also dismissed, confirming the order of the trial Court. Hence prays for grant of anticipatory bail.

4. Learned Government Advocate would submit that this is the second anticipatory bail application filed by the petitioner and this Court has already dismissed the earlier anticipatory bail application of the petitioner. He further submitted that the accused persons A1 and A2 approached the de-facto complainant for getting loan, believing which, the de-facto complainant gave power of attorney to the accused A2 and subsequently, cancelled the same. However, the accused A2 was alleged to have sold the property to the petitioner and further the accused persons A1 and A2 are absconding and the accused A3/the petitioner plays a vital role in the alleged crime, which needs a detailed investigation. Hence, he vehemently opposed



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for grant of anticipatory bail to the petitioner.

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5. Learned counsel appearing for the defacto complainant/ Intervenor raised serious objection stating that in order to grab the property, the accused persons A1 and A2 have fraudulently created forged documents and sold the subject property to the petitioner herein/accused A3. He further submitted that the petitioner plays a major role in grabbing the property from the de-facto complainant and further, by pledging the subject property, the petitioner had further obtained a loan for a sum of Rs.10,00,000/-. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6. Considering the fact that the main accused persons are still absconding and also the fact that there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, as this case requires a detailed investigation.

7. Accordingly, this Criminal Original Petition stands dismissed.

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