



CRL.O.P.No.779 of 2023

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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 the petitioner 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 Ganesan on 22.02.2013 and at present



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the said Ganesan 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. A1/ Ganesan and A2/Ramalingam and one retired Sub Inspector are conspired together to grab the property and the petitioner was used as a tool to commit the offence. The petitioner is not a beneficiary and he is an illiterate and a coolie worker. 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



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patta and thereafter created a false settlement deed in favour of the petitioner, 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 Ganesan on 22.02.2013. He 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 the petitioner 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 Ganesan on 22.02.2013. From the year 2013 to till date, the said Ganesan 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 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 A1, 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. The allegation against the petitioner is that for the above said



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property the accused Ganesan, the petitioner herein and other accused have criminally conspired together with intention to grab the property of the defacto complainant for getting unlawful gain and indulged in fabrication of fake election identity card by changing father name as Manickam, created false patta etc., and thereafter they created false settlement deed and settled the property in favour of the petitioner by his impersonating brother A1 Ramalingam. The petitioner, who in turn settled the property in the name of Krishnaveni by impersonating his wife Renuka as Krishnaveni and executed a settlement deed in her favour. She in turn executed a general power of attorney in favour of one Govindan. Thereafter, they cancelled the settlement deed and general power of attorney and executed another general power of attorney in the name of Ganesan on 22.02.2013. It is further alleged that one Dhanapal, who is a police personnel and his family lived in the above said property for the past 25 years without any basis only with the help of A1 and A3. The defacto complainant filed a case before the Hon'ble Supreme Court and they were evicted from the property. Again, the said Dhanapal and his family joined together with the said Ganesan entered into a sale agreement with one Senthamizh, who is none other than the wife of Dhanapal with evil intention. According to the learned Government Advocate



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(Crl.side) from the year 2013 to till now the said Ganesan kept the said property in his custody by encroaching and illegally gaining rental amount from the tenants and also restrained the original owner from entering into the property. The property is worth about Rs.3 crores. The investigation reveals that this petitioner played a vital role and the innocence pleaded by the petitioner cannot be accepted. the petitioner was arrested on 01.11.2022. Investigation is at preliminary stage.

7.Considering the serious nature of offence, active participation of the petitioner in the alleged crime, value of the property, absconding accused are yet to be arrested, stage of the investigation and short duration of custody, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

12.01.2023

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