



Crl.OP.No.6355 of 2023

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 468, 471, 120(B) of IPC r/w Section 34 of IPC, in Crime No.18 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the property belongs to one Alavandar Nayakar Charity/Trust, under the control of Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu. Further, Originally the property belongs to one Alavandar Naicker executed a Will to Muthukrishnan Naicker, Thereafter, the said Alavandar Naicker died 09.08.1914. Further, A-12 claimed that on 13.11.1995, the said Muthukrishnan Naicker executed a Will bearing Registration Document No.134/1995 at Sub Registrar's office T.Nagar, Chennai. Thereafter, the said Muthukrishnan Naicker died 21.03.1997. Based upon the said Will, A-12 K.M.Samy had executed a General Power of Attorney to A-3 Seetharaman vide Document No.1049/2006 dated 21.05.2006. Thereafter, the said A3 executed a sale agreement to one Kumaran (A6). Further, the said A3 Seetharaman executed unregistered sale agreement with the mother-in-law of the defacto



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complainant. The petitioners along with his family members had received a sum of Rs.1,63,00,000/- from the defacto complainant and created a bogus document in order to grab the property belonging to one Alavandar Naickar and cheated the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has no way connected with the alleged offence. He would further submit that on the confession statement given by the co-accused, the petitioner has been falsely implicated in this case. Hence he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Puducherry) submits that this the third anticipatory bail petition filed by the petitioner. He further submitted that earlier this Court had dismissed the anticipatory bail petitions filed by the petitioner in Crl.O.P.Nos.12771 & 12774 of 2022 and Crl.O.P.Nos.32660 & 32661 of 2022 dated 17.06.2022 & 09.01.2023 respectively. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



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5. The learned counsel appearing for the intervenor would submit that the petitioners had received a sum of Rs.1,63,00,000/- from the defacto complainant and cheated him. She further submitted that the petitioners already filed anticipatory bail petitions before this Court and the same were dismissed by an order dated 17.06.2022 & 09.01.2023 in Crl.O.P.Nos.12774 & 12775 of 2022 and Crl.O.P.Nos.32660 & 32661 of 2022 respectively. Hence, she strongly opposed for grant of anticipatory bail to the petitioner.

6. It is seen from the records, this is the third petition for anticipatory bail. According to the petitioner/fifth accused, she has nothing to do with the alleged transaction between the other accused persons. She is relative of the defacto complainant. Except the relationship, she had no role to play in the alleged transaction. As per the case of the prosecution, out of advance amount of Rs.1,63,00,000/-, the petitioner has received only Rs.1,20,00,000/- from the defacto complainant. Further, A12 has not title over the property and he fabricated the Will dated 13.11.1995 and executed Power of Attorney in favour of A3. He had entered into an agreement with the defacto complainant and subsequently it was found that the alleged Will dated 13.11.1995 itself is a fabricated one and no such Will was registered by the registering authority. That apart, already the petitioner filed a petition before



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the Hon'ble Supreme Court of India in SLP.Nos.5877 & 5878 of 2022 and the same was dismissed by an order dated 12.12.2022. Therefore, custodial interrogation of the petitioner is very much required in this case.

7. Considering the facts and circumstances and also considering the fact that the earlier anticipatory bail petitions have already been dismissed by this Court and there is no change in circumstances to consider the present petition, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed.

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