



Crl.O.P.No.10714 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 409, 465, 467, 468, 471 and 420 of IPC r/w Section 4 of TNPHW Act, in Crime No.36 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/Jolly Paul is that he entered into the agreement with one Ilangovan for purchase of the property measuring 10 cents, 102 square feet in Singanallur Village in Survey No.21/2A and he also paid a sum of Rs.10 lakhs as advance. The said Ilangovan had handed over the original documents to the defacto complainant. At that time, the Ilangovan was delaying registration of the sale deed. While so, on 09.11.2018, the said Ilangovan passed away and the original documents was in his custody. The accused have given a police complaint before the Mannargudi Police Station stating that the original documents were missing and thereafter they obtained the Life Certificate from Dr.Rajagopal, as if the said



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Ilangovan was alive and later based on Power of Attorney, the first accused have executed the sale deed in favour of the second accused/wife and later the accused have mortgaged the property with Canara Bank and obtained the loan to the tune of Rs.1.28 crores. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioners had paid the loan amount of Rs.12 lakhs as advance to said Ilangovan and he had executed the Power of Attorney in favour of the first accused later, based on the Power of Attorney, the first petitioner had executed the sale deed in favour of his wife. He further submit that the petitioners are not aware of the death of the said Ilangovan and a Civil Suit was also pending between the parties in respect of the ownership and thereby he would seek for anticipatory bail to the petitioner. He further submitted that the wife of the deceased was also given confirmation for having received the amount.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the Ilangovan is the owner of the property. He had earlier received the amount of Rs.12 lakhs from the defacto complainant and handed over the original documents to the defacto complainant. Later the said Ilangovan passed away on 09.11.2018 and the accused knowing well, that the said Ilangovan had died on 09.11.2018 and the original documents are also not in his custody, had given a false complaint as if the original documents are missing and thereafter they have also obtained fabricated Life Certificate as if the Ilangovan was alive and the first accused executed the sale deed in favour of the second accused and the second accused thereafter had deposited all the documents and had received the amount of Rs.1,28 crores from the Canara bank and they have cheated the defacto complainant. He further submitted that the investigation is at initial stage. He further submit that the wife of the deceased had also colluded with the accused. Hence, he opposed for the grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel on both sides and perused the entire materials available on record including the First Information Report.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and taking note of the fact that the custodial interrogation of the petitioner is very much required, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

07.06.2023

drl



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