



Crl.O.P.No.20934 of 2023

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G.CHANDRASEKHARAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 419, 420, 464, 465, 468, 471 and 506(ii) IPC in Crime No.165 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submitted that, petitioners' were informed by the 1st accused that, he is owner of the property to an extent of 1.37 Acres in Survey No.28 at Varadharajapuram Village, Kundrathur Taluk, Kancheepuram District. On the basis of that representation, a Sale Agreement was entered with 1st accused namely Senthil. However, now petitioners are falsely implicated in this case. Petitioners had no intention of cheating the *de-facto* complainant. They bonafidely entered into a Sale Agreement. Only after petitioners met the *de-facto* complainant and asked him, whether he was willing to sell the land, *de-facto* complainant gave a complaint. If there was an intention on the part of the petitioners to cheat the *de-facto* complainant, they would not have met the *de-facto* complainant. In the said circumstances, this petition is filed to grant anticipatory bail to the petitioners.



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3. In response, the learned Government Advocate (Criminal Side) opposes this petition, on the ground that, petitioners are the men behind creation/fabrication of Power of Attorney Deed in the name of the *de-facto* complainant and subsequently selling the property. The investigation in this case is still pending. Therefore, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. This is the 3rd anticipatory bail petition filed by the petitioners. The 1st anticipatory bail petition filed in Crl.O.P.No.14540 of 2023 was dismissed on 30.06.2023 after hearing both the sides and passing an elaborate order. The next anticipatory bail in Crl.O.P.No.16883 of 2023 was dismissed as withdrawn. This is the 3rd anticipatory bail petition.

6. The submission of the learned counsel for the petitioners in this petition is that petitioners are totally innocents. Only from the petitioners, the *de-facto* complainant came to know that his property was dealt by others, by impersonating him and creating a general power of attorney deed.



7. However, this Court on going through the FIR allegations and confession statement of the co-accused found that there are money transactions between the accused. Petitioner Subash paid a sum of Rs.3,30,000/- to the impersonator. It is seen from the confession statement of the co-accused Senthil that Subash and Amulraj came forward to sell the disputed land and it was decided to execute the general power of attorney deed. 1st accused said to have given Rs.15,00,000/- as an advance for executing general power of Attorney deed. When they were prepared to execute the general power of attorney in favour of Subash and Amulraj, after receiving Rs.15,00,000/-, this case was registered.

8. From the records perused and submissions made, it is a clear case of impersonation of the *de-facto* complainant and fabrication of general power of attorney document, for dealing with the property of the *de-facto* complainant. The role of the petitioners vis a vis other accused is being investigated and for that purpose, securing the petitioners is necessary.



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9. In this view of the matter, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

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