



Crl.O.P.No.21107 of 2023

WEB COPY

Crl.O.P.No.21107 of 2023
& Crl.M.P.No.15304 of 2023
G.CHANDRASEKHARAN, J.

The petitioner, who was arrested and remanded to judicial custody on 07.07.2023 for the offences punishable under Sections 120(B), 34, 465, 467, 468, 471 of IPC in Crime No.129 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is innocent and he is falsely implicated in this case and the real beneficiaries are A4 & A5. The petitioner is in judicial custody from 07.07.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that property in dispute that is 7200 Sq.ft., of plot comprising in Old Survey No.1/105 and new Survey No.1/1G part registered at Sub-Registrar Office, Adyar, is situated in M/s. VGP Housing Private Limited. Originally it belongs to one Chokalingam. The said Chokalingam had sold this property along with larger extent in favour of VGP Housing Private Limited through sale deed dated 14.06.1979. VGP Housing Private Limited plotted out these



Crl.O.P.No.21107 of 2023

lands. One of the plot, that is the property in the FIR was sold to the *de-facto* complainant's father by the VGP Housing Private Limited on 02.03.1990. Mean while, A1 has executed settlement deed in favour of A2 on 21.05.2009 claiming that A2 is her son. In the settlement deed it is stated that she purchased this property from VGP Housing Private Limited through Doc.No.968/1979. However, there is no such document in existence. A2 in turn sold this property to A4 through sale deed dated 24.09.2021. A2 has created all the documents to claim title in respect of the property in which, he or his predecessors have not title at all. *De-facto* complainant's relative was taking care of this property. One fine morning, he found one Prabakaran claiming right over the property. In the said circumstances, the case came to be registered.

4. The learned counsel for the intervenor/*de-facto* complainant submitted that the settlement deed dated 21.05.2009 was executed as if A1 as mother had executed settlement deed in favour of her son, 2nd accused. In the said settlement deed, A1's age is shown as 30 years and A2's age is shown as 31 years. Thus, it is



Crl.O.P.No.21107 of 2023

very obvious that the settlement deed is created for claiming false and unfounded right over the disputed property.

5. Considered the rival submissions and perused the records.

6. It is seen from the submissions, in the settlement deed dated 21.05.2009, A1 mother claims herself as aged 30 years but her son's (A2) age is shown as 31 years. Therefore, it is apparently clear that this document is created for the purpose of cheating the *de-facto* complainant. The next contention is that she claims to have purchased the property from VGP Housing Private Limited through Doc.No.968/1979. It is the submission of the learned Additional Public Prosecutor that there is no such document is in existence. It is quite clear from the documents produced and submissions made that, petitioner colluded and conspired in creating false documents and settling up unfounded title in respect of the property, which was originally purchased by the *de-facto* complainant's father.

7. Considering the gravity of the offence and that the investigation in this case is not completed and some of the accused



Crl.O.P.No.21107 of 2023

in this case are still absconding, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed. Connected Miscellaneous petition is closed.

25.09.2023

mpl



WEB COPY



Crl.O.P.No.21107 of 2023

G.CHANDRASEKHARAN, J.

mpl

Crl.O.P.No.21107 of 2023
& Crl.M.P.No.15304 of 2023

25.09.2023