



Crl.OP.Nos.32660 & 32661 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner in both petitions, 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, seek 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



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 Allavandar Naickar and cheated the defacto complainant. Hence, the complaint was registered.

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

4. The learned Public Prosecutor (Puducherry) submits that the petitioners are the close relatives of the defacto complainant. He would further submit that the property belongs to one Alavandar Charity Mahabalipuram and Arulmighu Kandasamy Murugan Temple, Tiruporur. He would further submit that the petitioners along with his family members have created a bogus Will and cheated the defacto complainant. He would further submit that the investigation is still pending. 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 petition before this Court and the same was dismissed by an order dated 17.06.2022 in Crl.O.P.Nos.12774 & 12775 of 2022. Hence, she strongly opposed for grant of anticipatory bail to the petitioners.

6. The learned counsel for the petitioner would submit that there is change in circumstance to file this petition for anticipatory bail. In so far as, the fifth accused is concerned, she has nothing to do with the alleged transaction between the other accused persons. In so far as, the first accused is concerned, he is also no way connected with the alleged offence of the other accused persons, both are relatives of the defacto complainant. Except the relationship, they 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 have 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



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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 petitioners filed a petition before 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 petitioners is very much required in this case.

7. Considering the facts and circumstances and also considering the fact that the earlier anticipatory bail petition has 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 petitioners.

8. Accordingly, both the Criminal Original Petitions are dismissed.

09.01.2023

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