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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7410 of 2023

Williyams

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
(Crime No.57/2023).

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.57/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 465, 468 and 471 of IPC, in Crime No.57 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A1, A4 and A5 are said to have running a business in the name of Akilandeswari Groups of Company and Ellaiyamman Plot Promoters and collected money from the public by giving false promise to return the money with huge interest. But they failed to do so, in turn from the collected money, they purchased several properties in and around Pudukkottai District. Hence, a case has been registered in Crime No.1 of 2013 against the said persons by the Economic Offence Wing, Trichy. Based on the said case, the Inspector of Police sent a communication not to alienate the properties to the concerned Sub Registrar Office where the properties purchased by the above said accused persons. Now, the accused persons created a forged no objection certificate as if it was sent by the Economic Offence



Wing, Trichy and sold the same. The petitioner said he purchased a property and being a power agent of another set of properties at Pudukkottai District. Hence, the present case has been registered against the petitioner.

3. Heard. Perused the materials available on record including the First Information Report.

4. It is seen that originally the subject properties were attached in pursuant to the registration of Crime No.1 of 2013 on the file of the Economic Offence Wing, Trichy. Subsequently, the attachment of those properties already made absolute. One of the attached properties were sold to the petitioner by the fifth accused in the present case. Thereafter, one Savithri, who is the first accused in the present case as well as in Crime No.1 of 2013 by fabricating the documents, executed power of attorney in favour of the petitioner in respect of some of the attached properties. The petitioner, on knowing the fact that the said properties were already attached in Crime No.1 of 2013, sold the same to the third party. In Crime No.1 of 2013, there are four accused and A2 and A3 died. Now the said Savithri/A1 alone is facing trial in C.C.No.37 of 2013 on the file of the TANPID Court, Madurai. When she was facing trial, she fabricated the documents and executed power of attorney in respect of some of the properties, which were also attached in Crime No.1 of 2013 and executed power of attorney in favour of the petitioner herein. That apart, the said Savithri, in respect of another property owned by her husband, executed power of attorney in favour of A2, namely, the daughter in law, who in turn, executed sale deed in favour of the petitioner. Therefore, in order to grab the entire property, the petitioner along with two accused persons created encumbrance over the properties in order to stall the entire auction proceedings. Therefore, the petitioner had knowledge about the attachment of those properties and even then, without any title from the vendors, he purchased the same. Therefore, the custodial interrogation of the petitioner is very much required in this case.

5. Taking into consideration the seriousness and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-

24/04/2023

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/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



CRL OP(MD).



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TO

1 THE INSPECTOR OF POLICE, ILLUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7410 of 2023

Date :24/04/2023

RS/VR/SAR-3(17.05.2023) 3P 3C