



CRL OP(MD). No.18094 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18094 of 2023

and

CRL MP(MD). No.14610 of 2023

S.Balasubramanian

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Madurai.

(In Crime No.24/2023).

... Respondent/ Complainant

For Petitioner : M/s.Lawrance J,Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Gandhi, Senior Counsel
for Mr.R.Karunanidhi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.24/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406, 420, 465, 467, 468 and



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471# of I.P.C., in Crime No.24 of 2023 on the file of the respondent police, seeks
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anticipatory bail.

2. The case of the prosecution is that the de-facto complainant had approached the petitioner through A1 requesting to lend a sum of Rs.20,00,000/- for his urgent necessity. The petitioner has agreed to lend him loan and after due negotiation, a sum of Rs.8,50,000/- has been given to the complainant and in this regard, Rs.26,000/- has been deducted as interest and it was assured that the remaining loan amount would be given after registration of necessary security documents. Though the complainant has agreed for execution of mortgage deed in respect of the said property as security, the petitioner has insisted the complainant to execute a General Power of Attorney Deed in the name of the third accused as security document. When the same was refused by the de-facto complainant, the petitioner along with A1 have assured that as and when the loan amount is repaid by the complainant, the power of attorney deed would be cancelled. Believing such assurance, the de-facto complainant has executed a power of attorney deed in favour of the third accused. Thereafter, the petitioner and other accused persons have failed to settle the balance loan amount as assured by them. Therefore, the complainant approached the petitioner to cancel the power of attorney deed and that the petitioner has demanded a sum of Rs.50,00,000/-

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for cancellation of the power of attorney deed. On enquiry, he came to understand that the accused with an intention to deceive the complainant's property, has executed a sale deed in favour of the petitioner by using the said power of attorney. On further enquiry, he came to know that the petitioner and other accused have cheated several persons like that of the complainant by promising loans and they obtained lot of properties illegally and some criminal cases are pending against them. hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is doing real estate business and he has no intention to cheat the complainant. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) objected to grant anticipatory bail to the petitioner that the petitioner is having nine previous case and the investigation is not yet completed. He would further submit that the petitioner along with other accused with an intention to cheat the de-facto complainant, have executed a sale deed in favour of the petitioner by using the above said power of attorney.



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

6. Considering the nature of serious allegations levelled against the petitioner and also considering the fact that the petitioner is having nine previous cases and the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner.

7. In the result, this petition stands dismissed. Consequently, connected miscellaneous petition is closed.

sd/-
31/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

TO

1.The Inspector of Police,
District Crime Branch,
Madurai.



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2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-15758[I] dated 01/11/2023)

ORDER
IN
CRL OP(MD) No.18094 of 2023
Date :31/10/2023

RK/VR (06/11/2023) 5P / 4C

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