



Crl.O.P.No.13735 of 2024

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T.V.THAMILSELVI, J.

The Criminal Original Petition has been filed seeking to enlarge the petitioner on bail, who was arrested and remanded to judicial custody on 26.04.2024 in Crime No.26 of 2024 registered on the file of the respondent police for the offence under Sections 419, 420, 465, 467, 468, 471, 34 of IPC, seeks bail.

2. The case of the prosecution is that the first accused impersonated the original property owner Rukmani Devi, created fake documents and executed a forged power of attorney. Further allegations is that the petitioner along with other accused mortgaged the property with HDFC Bank. Thereby, all the accused together cheated the defacto complainant by impersonating the property, worth about Rs.3,03,28,000/-. Hence, the complaint.

3. Learned Senior Counsel appearing for the petitioner submitted



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that the petitioner is an innocent person and she has nothing to do with the alleged offence and she has been falsely implicated in this case. He further submitted that the third accused is the Director of M/s.Kalaiselvi Agro Foods Private Limited and the petitioner is the wife of the third accused. Her husband has bonafidely purchased the property in the name of the petitioner after getting legal opinion from the Advocate. He further submitted that the petitioner is not aware of the business transactions of her husband, and upon coming to know that the fraud committed by the other accused, the husband of the petitioner commits suicide. He further submitted that she has no role in obtaining loan from the defacto complainant/Bank.

4. The learned Senior Counsel for the petitioner pointed out that even if, the petitioner has committed any error in response to the bank officials, they are bound to verify the documents. They also conspired with other accused with intention to take the loan amount unlawfully, although it was sanctioned in the name of the petitioner herein. He also submitted that the petitioner is suffering incarceration from 26.04.2024



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and she is also ready to abide any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the first accused has impersonated the original property owner Rukmani Devi and created the fake document and also executed forged power of attorney in Document No.1055/2019 on the file of Sub Registrar Office, Triplicane and the petitioner and other accused mortgaged the property immediately in favour of HDFC Bank in Document No.104/2020 for Rs.3,03,28,000/- and cheated the defacto complainant. He further submitted that there was no recovery and no property was also attached. He further submitted that the investigation is still under progress in respect of the erring bank officials as well as the Sub Registrar, Triplicane. However, he vehemently opposed for the grant of bail to the petitioner.

6. Considering the grave nature of the offence and the huge amount that has also been cheated, and the fact that the investigation is at



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initial stage, this Court is not inclined to grant bail to the petitioner.

However, the Investigation Officer is directed to investigate in respect of the erring Bank Officials as well as the Sub Registrar, Triplicane who was actively participated in this conspiracy.

7. Post the matter for 'reporting compliance' on 31.07.2024.

21.06.2024

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