



Crl.O.P.No.20195 of 2024

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Orders Reserved on
30.09.2024

Orders Pronounced on
04.10.2024

Crl.O.P.No.20195 of 2024

RMT. TEEKAA RAMAN.J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 419, 464, 467, 468, 470 and 109 of I.P.C, in Crime No.340 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.This is the third application by the first accused.

3.Heard the learned Counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

4. By an order dated 25.03.2024 in Crl.O.P.No.26197 of 2023, the second bail application was dismissed wherein I have discussed the entire episode led to the filing of this case.

5. The first bail application was dismissed on 10.08.2023 and the second bail application was dismissed on 25.03.2024.

6. The case of the prosecution is that, on 12.09.2012 the petitioner with an intention to cheat the de-facto complainant she colluded with her mother A2 to fraudulently create an unregistered Power of Attorney. Based on it, the petitioner entered into a sale agreement



Crl.O.P.No.20195 of 2024

dated 26.10.2012, and A3 and A4 are said to have signed the sale agreement, while A5 and A6 said are said to have signed in the fraudulent power of attorney. Hence the case.

7. The learned counsel for the petitioner submits that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. The complaint is purely civil in nature, and due to prior enmity between them, a false case has been foisted as against her and others with a view to harass and humiliate her. He further submits that A6 was granted anticipatory bail during the vacation Court in Crl.O.P.No.11887 of 2023. Hence, she prayed for grant of anticipatory bail to the petitioner.

8. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the case is under investigation. Hence, he opposed for grant of anticipatory bail to the petitioner.

9. On perusal of the earlier order passed by this Court and the additional typed set of papers filed by the present counsel in the present application, I find that civil case has also been pending in O.S.No.88 of 2018. The complainant's husband viz., Dr.Kuppusamy needs to pay a sum of Rs.1,66,00,000/- to the Canara Bank to avoid SARFAESI proceedings and some other transactions were said to have been taken place.



Crl.O.P.No.20195 of 2024

WEB COPY

10. Two sets of power of attorneys are said to have been involved in this case. one is General Power of Attorney, which said to have been executed by the de-facto complainant on 03.09.2013, which was also cancelled on 06.02.2015 for certain irregularities alleged to have been made by the power agent.

11. When one set of fact being so, there is another set of facts viz., the first and second accused are daughter and mother, have come forward with a different case before the Civil Court in O.S.No.88 of 2018 that there was a General Power of Attorney (unregistered) on 02.09.2012 itself to the first accused. Based on which, the first accused had entered into an agreement of sale on 26.10.2012 with the second accused and based upon the said agreement of sale dated 26.10.2012, the accused filed a suit for specific performance of the alleged sale agreement (notarised sale agreement dated 26.10.2012) and hence the present case has been filed.

12. Earlier applications have been dismissed for the reasons stated therein.

13. It remains to be stated that originally a Power of attorney said to have been executed by the de-facto complainant in favour of the first accused in the year 2013. It is a registered Power of Attorney. It is



Crl.O.P.No.20195 of 2024

projected to settle bank loan obtained by the deceased husband of the de-facto complainant. Subsequently, the Power of Attorney deed was cancelled. Now another Power Deed was said to have been projected as if, even before the registered Power of Attorney, an unregistered Power of Attorney was executed by the husband of the de-facto complainant. Based upon the said unregistered Power of Attorney, the daughter is alleged to have executed the unregistered notarized agreement in favour of the mother. The investigation is pending.

14. Considering the nature and gravity of the offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner.

15. Accordingly, this Criminal Original Petition is dismissed.

04.10.2024

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Crl.O.P.No.20195 of 2024

RMT.TEEKAA RAMAN,J.,

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order in
Crl.O.P.No.20195 of 2024 and
Crl.M.P.No12991 of 2024



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CrI.O.P.No.20195 of 2024

04.10.2024