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Crl.O.P.No.22228 of 2023

Crl.O.P.No.22228 of 2023
and
Crl.MP.No.17417 of 2023

C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.37 of 2023 registered by the respondent police for the offences punishable under Sections 465, 468, 471, 420 and 120(b) of IPC.

2. It is stated that one Palanisami had sold his property which consists of six separate housing plots in S.Nos.249 and 250 at Kalappati Village, Coimbatore to one A.M.S.Ramasamy and his wife Vijayalakshmi. The said purchasers had appointed the petitioner herein as their power of attorney agent for all the six separate properties.

3. The issue today is with respect to one of the house sites namely House Site No.167. It is stated that subsequently one Ayyappan had purchased the property from the petitioner herein by two documents registered as Document Nos.1027 of 2017 and 1028 of 2017.



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4. It is the contention of the learned counsel for the petitioner herein that the said Ayyappan had subsequently sold the property to the defacto complainant, but what it is to be also noted that A1 and A2, had earlier sold the property and A1 had formed a lay out called Kongu Nagar at Kalappati Village, Coimbatore and sold the very same plot which is Site No.167 which measures 5.22 cents to one Udhaya Kumar vide Sale Deed dated 15.03.1996. Having sold the property to the said Udhaya Kumar, the property was again sold by granting power of attorney to this petitioner who sold it to Ayyappan and who subsequently sold it to the defacto complainant. Udhaya Kumar to assert his title, had filed O.S.No.2288 of 2009 against the original owners and others. That suit also did not have a free flow. Originally, the defendants were set exparte. Later, the defendants came back to defend the suit and subsequently, the suit was dismissed for default. It shows that all the accused had an elaborate plan to defraud the defacto complainant. Ultimately, the defacto complainant had purchased the property which had already been sold in the year 1996 and in which, after purchase, when she examined the property she found that houses had to be constructed and somebody else were residing in the said property. The total consideration paid by the defacto complainant is Rs.34,00,000/-



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5. The learned counsel for the petitioner stated that A1 had died and A2 and A3 had been granted anticipatory bail by the Sessions Court, but, the role of this petitioner is extremely crucial. Even though the power of attorney had been cancelled still, the fact that he had sold a property to Ayyappan which property which had already been sold in the year 1996 shows that there are two sale deeds for the same property, one in the year 1996 and the other in the year 2017. The first one by the owners and the second one by the power of attorney agent. The purchasers through their power of attorney agent /this petitioner had sold it to the defacto complainant.

6. A Status report had been filed by the Investigating Officer stating that further witness will have to be examined and that the investigation is at crucial stage.

7. The learned counsel for the petitioner also stated that when it is issued with notice under Section 41 A of Cr.P.C, the petitioner had participated in the investigation process, but, in the Status Report, it has been stated that the petitioner had not at all co-operated and had stated that he does not know any



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fact and that all facts would be known only by the other accused. Therefore there was no progress in the investigation.

8. In view of the above facts, I am not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Vv

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