



Crl.O.P.No.26197 of 2023

Orders reserved on 06.03.2024	Orders pronounced on 25.03.2024
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RMT.TEEKAA RAMAN, J.

The Petitioner who apprehends arrest at the hands of the Respondent police for the alleged offence punishable under Sections 419, 464, 467, 468, 470 & 109 of IPC in Crime No.340 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant had executed a Power of Attorney dated 12.09.2012 in favour of Mrs.Bharani Chitra Swamy and the same has been cancelled on 02.02.2015 by the legal notice and knowing very well about the same, this Petitioner had entered into a sale agreement with the Power Agent of the defacto complainant and the Petitioner along with other accused colluding together to grab the property of the Defacto Complainant. Hence the complaint.

3.Heard the learned counsel for the Petitioner, learned counsel for the Intervener and learned Government Advocate (Crl. Side) and perused



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the entire materials available on record.

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4.Learned counsel for the Petitioner contended that the Petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The complaint is purely civil in nature and due to previous enmity between the parties a false case has been foisted against her and others with a view to harass and humiliate her. He further submitted that A6 was already granted Anticipatory bail by this Court in Crl.OP.No.11887 of 2023 and seeks the relief.

5.Learned Government Advocate (Crl. Side) contended that the case is under investigation and he opposed to grant anticipatory bail to the Petitioner. He further contended that this Court has dismissed the Anticipatory Bail petition filed by the co-accused in Crl.O.P.No.15715 of 2023 on 10.08.2023. The present Petitioner is the 2nd Accused.

6.This Court has directed the learned counsel for the Intervener viz., the Defacto Complainant to file a written statement filed by her as first Defendant in OS.No.88 of 2018. The same has been filed before this Court.



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7. On perusing the typed set of papers filed by the learned counsel for the Intervener and the status report filed by the Inspector of Police, Perundurai Circle, Erode District, I find that there was a money transaction between the parties. The complainant's husband viz., Dr. Kuppsamy needs to pay a sum of Rs.1,66,00,000/- to the Canara Bank to avoid SARFAESI proceedings and some transactions were said to have been taken place. 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 defacto complainant on 03.09.2013, which was also cancelled on 06.02.2015 for certain irregularities alleged to have been made by the agent. When one set of fact being so, there is another set of facts viz., the first and second accused who 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 dated 02.09.2012 to the first accused. Based on which she had entered into an agreement of sale on 26.10.2012 with the second accused and based upon the said agreement the second accused (Petitioner herein) filed a suit for specific performance of the alleged unregistered sale agreement (notarised sale agreement dated 26.10.2012) in



O.S.No.88 of 2018.

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8.Pursuant to the direction of this Court the defacto complainant filed a written statement filed by her in the said suit. In the said written statement at paragraph No.21, the very same stand has been taken as follows:

“By virtue of the Bogus power deed dated 12.09.2012 created and notarized with the convenience of the Notary and also an agreement of sale dated 26.10.2012 created fraudulently and Notarized by the same Notary. The suit has been filed by Plaintiff stating the said documents have her right to sue which cause of action is illusory and the suit filed is not maintainable. The plaintiff, the 2nd defendant and the Notary have conspired and for the purpose of filing the suit have created an illusory cause of action. The alleged power deed since not a registered one and the agreement of sale dated 26.10.2012 (prior to the registered power deed dated 03.09.2013 and in pursuance of the bogus power deed dated 12.09.2012) basing on those two bogus documents the suit since has been filed, the suit is an abuse of process of law and Court.”

9.From the case records, I find that anticipatory bail petition filed



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by A6 in Crl.OP.No.11887 of 2023 was allowed by this Court on 22.03.2023 and the anticipatory bail application filed by A1 in Crl.O.P.No.15715 of 2023 was dismissed by this Court on 10.08.2023 (by myself).

10.After taking into consideration the allegations levelled against this Petitioner and also the stand of the Defacto Complainant before the police as well as by way of written statement before the civil Court as early as in 2018 (13.08.2018) being one and the same, I find that the averments made by the Petitioner herein needs to be investigated and the matter is under the investigation before the police. The original general power of attorney dated 03.09.2013 and subsequent cancellation of registered power by registered cancellation deed dated 06.02.2005 is available on one hand and the general power of attorney dated 12.09.2012 unregistered deed (notarized) and agreement of sale between A1 & A2 on 26.10.2012 is available on other hand and hence, I find that it is a matter for investigation.

11.Taking note of the nature and gravity of the offence, stage of investigation and the factum as discussed supra, I am not inclined to grant



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anticipatory bail to the Petitioner.

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12. Accordingly, this Petition is dismissed.

.03.2024

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RMT.TEEKAA RAMAN, J.

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Pre-delivery Order in
Crl.O.P.No.26197 of 2023

Dated 25.03.2024

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CrI.MP.No.2059 of 2024
in
CrI.O.P.No.26197 of 2023

RMT.TEEKAA RAMAN, J.

Ordered.

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