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Crl.O.P.No.28550 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A5 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 r/w Section 34 of IPC in Crime No.25 of 2023, seeks anticipatory bail.

2. It is stated that the property at plot No.13 & 14, measuring 4861 sq.ft., in Survey No.4/3 and 13/2 at Kolatur Village, Venus Nagar, 1st Main Road, Perambur Taluk, Chennai, originally belonged to one Ganapathy. His wife Nagammal died in the month of January 2018. Thereafter, Ganapathy executed an unregistered will in favour of his 3rd sister, Parvathy and the son of the elder sister Vishwanathan. The said Vishwanathan is the defacto complainant. After executing the Will, the said Ganapathy passed away. The property should actually have gone over to his 3rd sister Parvathy and to his nephew Vishwanathan.



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3. On the other hand, the accused persons created another Vishwanathan and created another Parvathy, who impersonated them and executed a release deed first and later a power of attorney document. In both those documents, the petitioner had signed as a witness and the other witness who signed along with the petitioner had unfortunately died and therefore, the charges had abated. The petitioner is now facing charges.

4. It is stated that one of the main accused Kamalakanna, who is A1 had been detained under the Tamil Nadu Act 14 of 1982. It is stated that A3 had been arrested and had been granted bail. But however, the two impersonators are not known and would be known only to the petitioner herein, who identified them before the Sub-Registrar Office. Therefore, custodial interrogation is required.

5. The earlier application seeking anticipatory bail was



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dismissed as withdrawn on 15.11.2023. The learned counsel also expressed an opinion that he would withdraw this petition but that would not take the petitioner anywhere nor can be the prosecution proceed further. This Criminal Original Petition stands dismissed.

06.02.2024

smv

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