



CrI.O.P.No.28763 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 34, 465, 467, 468 and 471 of IPC in Crime No.44 of 2023, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant had given a complaint, that all the accused dealt with a property, which belonged to her father, Sheik Abdul Masjid, in S.No.706/2, Pallikaranai Village, Sholinganallur Taluk, Chennai. The father of the defacto complainant had expired in the year 1993. But however, it had been stated that forged Power of Attorney had been created, as if given by the father of the defacto complainant and on the basis of the Power of Attorney, the property had been sold to the petitioner herein by a registered Sale Deed in Doc. No.5143 of 2008. The total area of land sold was 4,800 sq.ft.

3.The petitioner had filed anticipatory bail petition in



Crl.O.P.No.7522 of 2023 and by an order dated 12.04.2023, a learned Single Judge of this Court had directed that no coercive action should be taken against the petitioner. In the meanwhile, the petitioner had also taken steps to cancel the Power of Attorney. Once that fact was brought to the knowledge of the Court and the petition in Crl.O.P.No7522 of 2023 was dismissed as withdrawn.

4.Now, the present anticipatory bail petition has been filed on the ground that the Power of Attorney had been subsequently cancelled. A copy of the cancellation of the General Power of Attorney registered as Doc.No.6595 of 2023 executed by R.Periyasamy and the petitioner herein dated 03.05.2022 has been annexed as document to the petition.

5.It is also stated by the respondent that the petitioner had appeared during the course of investigation and after detailed investigation, a charge sheet has also been filed. In the charge sheet, it had been stated that the petitioner had participated in the enquiry to the notice issued under Section 41A Cr.P.C. But technically, the petitioner had not been granted anticipatory bail and had not been taken into custody and therefore, had not been granted bail also.



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6.In view of that particular fact, the anticipatory bail petition would not lie. Accordingly, this Criminal Original Petition stands dismissed. The petitioner can take advantage of Rule 24 of Criminal Rule of Practice and appear before the concerned Court, on receipt of summons, after the charge sheet had been taken cognizance by the jurisdictional Court.

02.01.2024

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