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CRL OP Nos.439 & 440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **23-01-2025**
CORAM
THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
CRL OP NO. 439 & 440 of 2025

E.V.Loganathan

Petitioner(s)
(in both cases)

Vs

The State of Tamilnadu,
Represented by the Inspector of Police,
Central Crime Branch
Avadi police Station District.
(Crime No.89 & 90 of 2024)

Respondent(s)
(in both cases)

In both cases:

For Petitioner(s): M/s. M. Adhishree

For Intervener(s): Mr. R. Ashokan

For Respondent(s): Mr. S. Santhosh, Government Advocate, (Crl.side)

COMMON ORDER

Apprehending arrest in connection with Crime No.89 of 2024 registered for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120B-C of the Indian Penal Code, 1860, (IPC), the petition in Crl.OP.No.439 of 2025 has been filed seeking anticipatory bail.

2. Apprehending arrest in connection with Crime No.90 of 2024



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registered for the offences punishable under Sections 319, 336, 338, 339, and 61(2) of the Bharatiya Nyaya Sanhita (BNS) 2023, the petition in Crl.OP.No.440 of 2025 has been filed seeking anticipatory bail.

3. The case of the prosecution is that the de-facto complainant lodged a complaint against the accused, alleging fabrication of documents and impersonation to grab the property in S.Nos.202/1 and 202/3, measuring 2277 sq.ft., in Kolappakkam Village, Kundrathur Taluk, belonging to the de-facto complainant. Hence, this case.

4. Learned counsel for the petitioner submits that the petitioner is an innocent person who has been falsely implicated in this case. He further submits that the petitioner's name does not find place in the First Information Report. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Further, he submits that the co-accused has already been granted bail, and therefore, he prays anticipatory bail to the petitioner.

5. On the other hand, the learned Government Advocate (Crl. Side) appearing for the respondent Police submits that the petitioner is the main



accused who facilitated the deed and was well aware of the fabrication of documents and impersonation. He further submits that this Court has already grant anticipatory bail to one of the innocent purchasers of the property in Crl.O.P.No.2760 of 2024, dated 11.12.2024, wherein, this Court has recorded the following:

“ The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser of the property. He had believed the other accused and purchased the property by paying a consideration of Rs.50,00,000/-. Later, he came to know that he had been taken to ride by the other accused. The petitioner, in order to purchase the property, obtained a housing loan of Rs.37,46,000/- from Punjab National Bank. He would further submit that the petitioner has executed a release deed in favour of the defacto complainant/ original owner of the property and ready to cooperate with the respondent in investigation.”

In view of the above, the learned Government Advocate has strongly opposes granting anticipatory bail to the petitioner.

6. Learned counsel appearing for the intervener/de-facto complainant has vehemently opposed for the grant of anticipatory bail to the petitioner.



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7. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl Side) for the respondent and perused the entire materials available on record.

8. Considering the above facts and circumstances of the case, though the co-accused has purchased the property, and later, upon coming to know about the fabrication of documents and impersonation, settled the matter by returning the money and executing a sale deed in favour of the de-facto complainant, but, as far as this petitioner is concerned, he was well aware of all these facts and has committed the offence.

9. Taking into consideration the facts and circumstances of the case, wherein the petitioner allegedly committed a breach of trust and cheated the de-facto complainant, this Court is not inclined to grant anticipatory bail to the petitioner.

10. Accordingly, the Criminal Original Petition stands dismissed.

23-01-2025
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To

1.The State of Tamilnadu,
Represented by the Inspector of Police,
Central Crime Branch
Avadi police Station District.
(Crime No.90 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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