



Crl.O.P.No.23139 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who was arrested and remanded to judicial custody on 28.08.2023 registered for the offence under Sections 465, 467, 468, 471 r/w 34 and 109 of IPC in Crime No.77 of 2023 on the file of the respondent Police, seeks bail.

2.The petitioner/A3, A1 and A2 are joint owners of the property at Athithya Avenue, Injambakkam Village, Sholinganallur Taluk. The property can be divided into two parts i.e., the western half and the eastern half. The petitioner, A1 and A2 had given power of attorney to A6 to develop the property in the western half.

3.Taking advantage of such document, it is alleged that the power of attorney agent/A6 had sold the eastern half of the property to the defacto complainant in the year 2014. Thereafter, in the year 2020, the petitioner, A1 and A2 had again sold the same eastern half which had already been sold in the year 2014 to the defacto complainant to A4 and A5. This has necessitated lodging of the complaint by the defacto complainant. It is stated that the power of attorney agent/A6/developer had died. A4 and A5 had subsequently purchased the property in the year 2020 have also filed a suit which is now pending before the Principal District Court, Chengalpattu and they are also obtained an order of status quo.

4.The learned counsel for the petitioner states that the petitioner has co-operated with the investigation. It is also contended that A1 and A2 to whom notice under Section 41(A) of Cr.PC., has been issued are in-patients



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in the hospital and they would not be able to attend any enquiry. The petitioner will necessarily have to come forward with some sought of settlement with the defacto complainant primarily because he had not sold the property to the defacto complainant in the year 2014 but rather his power of attorney agent has so sold the property for which the power was not given, according to the petitioner herein.

5. At this stage, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed. If there is any change in circumstances in the aforesaid terms, the petitioner is at liberty to file a fresh petition.

10.10.2023

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