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Crl.O.P.Nos.25874 & 26331 of 2023
and Crl.M.P.Nos.18658 & 18897 of 2023

C.V.KARTHIKEYAN,J.

The petitioners in both the petitions/A1 & A2 seek bail in Crime No.227 of 2023, registered by the respondent police for the offences punishable under Sections 420, 465, 466, 467, 468, 471 & 120(B) of IPC. Both had been taken into custody on 17.10.2023.

2.A1/R.Senkodan, has filed Crl.O.P.No.26331 of 2023 and A2/E.Loganathan has filed Crl.O.P.No.25874 of 2023.

3.The 1st accused/R.Senkodan, had a son, who unfortunately died. The property in issue was in the name of that particular son. The son's name is Vijayakumar. Naturally, on the death of the said Vijayakumar, the property should devolve on to his legally married wife/the defacto complainant and also to the mother. The father has no right at all. However, A1/R.Senkodan had prepared a legal heir certificate as if he and his two other sons alone are the



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surviving legal heirs. On the strength of the said legal heir certificate, the property to which the defacto complainant was entitled, was sold away by the Power of Attorney agent/A2 in favour of A3. This has necessitated lodging of complaint by the defacto complainant and registration of FIR under the aforementioned provisions.

4.It is informed that A3, the purchaser, Janakiraman had filed Crl.M.P.No.28547 of 2023 and it came up for consideration before the Principal Sessions Judge, Chennai, on 09.11.2023. On 09.11.2023, after examining that he was the purchaser of the property for consideration of Rs,2,04,19,000/- and that all the payments had been made by bank transfers and cheques, and also the fact that a suit is also pending in O.S.No.1314 of 2020, before the learned Principal Sessions Judge, Chennai, the learned Principal Sessions Judge, Chennai, on the belief that he was a bonafide purchaser, had granted bail to him.

5.There was no condition that he should cancel the sale deed or that he should ensure that part of the sale consideration flows to the daughter-in-law, who had been completely cheated of the share of Rs.2/- crores. A1 and A2 have no right over the property. They have no right to receive the sale consideration.



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They have no right to sell the property.

6.The learned counsel for the petitioners herein stated that grant of bail to A3, is of no use since he cannot cancel any sale deed and that it is these petitioners, who can cancel the sale deed. They also stated that if they are released on bail they would take steps to cancel the sale deed but in the same breath, it is also stated that the defacto complainant has no right over the property since she is now married to some other person and consequently had lost her right. That statement is not correct. On the date of death of her husband, the property had devolved to her. Thereafter, as a widow, she has every right to re-marry. That cannot come in the way of a right which had flowered on the date of the death of her husband. On the date of death of her husband, the present two petitioners herein had no right, title and interest over the property. They had gained such right by creating a fraudulent legal heir certificate, completely omitting the defacto complainant as a legal heir. On that basis, the 3rd accused had purchased the property.

7.I am not not able to accept the fact that it is a bonafide purchase. The



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consideration is a substantial amount of Rs.2/- crores. It is also stated that A1 is a person who is suffering from various diseases and had been admitted in Stanley Hospital, Chennai, and is now taking treatment in Central Jail.

8.In view of the above circumstances, I am not inclined to grant bail to the petitioners to both the petitions. Accordingly, these Criminal Original Petitions stand dismissed. Connected Criminal Miscellaneous Petitions/Intervening Petitions stand closed.

9.A direction is issued to the Superintendent of Jail, Central Prison, Puzhal, Chennai, to take appropriate steps for giving medical treatment to A1/R.Senkodan. The issue of cancellation of document can very well be addressed by the District Registrar, since the entire transaction is fraudulent by taking recourse to Section 77A of the Registration Act, 1908, and there is no necessity to call upon the present petitioners to cancel the sale deed.

29.11.2023

ata/rjr



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