



Crl.O.P.No.28720 of 2023 & 469 of 2024
and Crl.M.P.No.95 of 2024

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C.V.KARTHIKEYAN,J.

The 1st accused has filed Crl.O.P.No.28720 of 2023 and the 2nd accused has filed Crl.O.P.No.469 of 2024. They seek bail in Crime No.227 of 2023, registered by the respondent police for the offences under Sections 420, 465, 466, 467, 468, 471 & 120B of IPC. As a matter of fact, the bail application of A1 had been considered earlier since it had been stated that he was suffering serious illness in the liver and admitted to the Stanley Government Medical College and Hospital, Chennai. But however, the records of the hospital authorities had been perused and it was confirmed that he has been given proper treatment. His wife had been permitted to visit and meet him.

2.The case of the prosecution is that the son of A1 along with his child and yet another person had died in a car accident. The 1st accused, however, obtained a legal heirship certificate, as if the son had died as a bachelor, overlooking the fact that he had a widow surviving him and also had a grand daughter, who had died in the accident. The widow is the defacto complainant.



On the strength of that legal heirship certificate, proclaiming A1 alone as the legal heir, A1 had executed a Power of Attorney in favour of A2 with respect to a property, for which a sum of Rs.4/- Crores was received as sale consideration and the sale was effected to A3 and A4, who are both spouses.

3.It is stated that A3 and A4 had been granted bail by the learned Principal Sessions Judge, Chennai.

4.The defacto complainant has filed an intervening application and it is stated that before the learned Principal Sessions Judge, the learned City Public Prosecutor had stated that it was a bonafide purchase, but that the facts show that it was not a bonafide purchase since the basis of the document is the legal heirship certificate and A1 / father can never be considered as a Class-I legal heir of the deceased son, particularly when the widow was surviving the son. Therefore, the entire sale deed executed in favour of A3 and A4 is fraudulent.

5.The learned counsel for A3 and A4 whose bail applications are sought to be cancelled stated that though a complaint was given under Section 77A of the Indian Registration Act, 1908, owing to various legal impediments, further steps could not be taken.

6.The learned counsel for A1 and A2 stated that they are prepared to settle



the issue and also stated that they would cancel the documents, if they are granted interim bail. But, there is nothing on record in the petition so indicate though the petitions are pending for quite some considerable period of time. They are only words spoken and not in writing.

7. At this stage, I am not inclined to grant bail to the petitioners. If there is any change in circumstance by coming forward to cancel the sale deed, a fresh application seeking bail can be filed. At that stage, examining the bonafide, appropriate orders can be passed.

8. The respondent may examine the medical condition of A1 and get an opinion from the doctors at Stanley Government Medical College and Hospital at Chennai and if A1 is permitted to bear the costs, may also take an opinion to shift him to any private hospital as desired by A1. Connected Criminal Miscellaneous Petition/Intervening Petition is closed.

10.01.2024

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