

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 14134 of 2020

1.R.Prabhu

... Petitioners

2.R.Mani

Vs.

The State represented by  
The Inspector of Police,  
City Crime Branch,  
Coimbatore City,  
Coimbatore.  
(Crime No.21 of 2020) .... Respondent

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.21 of 2020 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

For Intervenor : Mr.C.Deepak Kumar

**ORDER**

**(The case has been heard through video conference)**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406 and 420 of Indian Penal Code, 1860, in Crime No.21 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that he had relationship with one Rangasami, father of 1<sup>st</sup> petitioner for the past 15 years and the son of Rangasami induced the defacto complainant to invest a sum of Rs.50 lakhs in the real estate business on the promise of returning huge sum of money. Based on that, the defacto complainant has paid a sum of

Rs.50 lakhs to them. The further allegation is that the accused have received the said sum and cheated an amount of Rs.50 lakhs. Hence, the present complaint.

3. The learned counsel appearing for petitioners would submit that a case of financial dispute with regard to non-repayment of amount has been projected as a case of cheating. He would further submit that admittedly, the father of the 1<sup>st</sup> petitioner and the defacto complainant were friends for more than 15 years and they were having financial transaction. He would also submit that the father of 1<sup>st</sup> petitioner has executed a promissory note on 04.11.2016 and he has borrowed a sum of Rs.50 lakhs and father of 1<sup>st</sup> petitioner died on 12.01.2018. The defacto complainant without resorting to due process of law has filed the false criminal complaint as if the petitioners have cheated and attempted to recover the amount by police pressure. He would further submit that brother of 2<sup>nd</sup> petitioner one Manoj was arrested and later, he was released on bail. The entire family members have been dragged-in in this issue. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the 1<sup>st</sup> petitioner is son and 2<sup>nd</sup> petitioner is wife of one Rangasami. Brother of 2<sup>nd</sup> petitioner was arrested and later he was released on bail. He would submit that the petitioners have induced the defacto complainant on the promise of repaying huge dividends by way of real estate business and received the amount of Rs.50 lakhs and cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervenor would submit that the petitioners have made the defacto complainant to believe that they are doing real estate business and based on which, the defacto complainant has paid an amount of Rs.50 lakhs on various dates and now the petitioners are refusing to repay the amount to the de-facto complainant and cheated him. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts and circumstances and the submissions made by the learned counsels and the fact that the petitioners were offered to deposit the original deed of the immovable property worth about 75 lakhs to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.VII, Coimbatore, on condition that the petitioners shall deposit the original deed of the immovable property worth about Rs.75 lakhs to the credit of the crime No.21 of 2020 and each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only), with two sureties each for a like sum to the satisfaction of the

respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the first petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.m until further orders and the second petitioner shall report before the respondent police everyday at 10.30 a.m for a period of one week and thereafter as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigating or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala** [(2005)AIR SCW 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE - VII,  
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE  
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CITY CRIME BRANCH,  
COIMBATORE CITY,  
COIMBATORE.

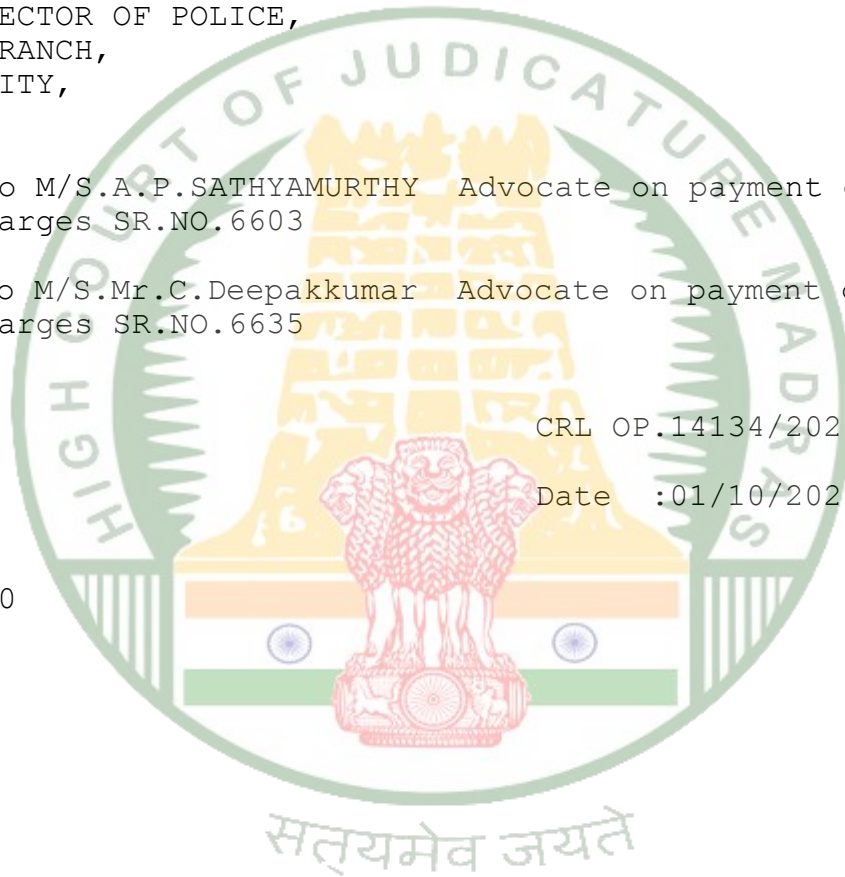
+1 CC to M/S.A.P.SATHYAMURTHY Advocate on payment of  
necessary charges SR.NO.6603

+1 CC to M/S.Mr.C.Deepakkumar Advocate on payment of  
necessary charges SR.NO.6635

CRL OP.14134/2020

Date :01/10/2020

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