



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11122 of 2022

1 SALEEM
2 IBRAHIM
3 JAFFER ALI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CCB POLICE, COIMBATORE CITY,
CR.NO.47 OF 2020.

[RESPONDENT]

For Petitioner : M/S SHANMUGAVELAYUTHAM SENIOR ADVOCATE FOR
M/S.A.NOWFAL Advocate

For Respondent : MR. S.UDHYAKUMAR, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 120-B, 419, 465, 468, 471 and 420 of IPC in Crime No.47 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The petitioners are the purchaser of the property in survey No.196/1 to the extent of land 2 cent 209 square feet situated at Coimbatore. The complaint was given on the ground that the defacto complainant is the real owner of the said property who was impersonated by the accused Navaneetha as real owner and sold to this petitioners.

3.The learned counsel appearing for the petitioners submitted that he had purchased the said property without knowing the real owner and the petitioner is ready to transfer his title over the purchased property to the real owner.

4.The learned Government Advocate (Crl.side) submitted that the investigation almost completed.



5. Considering the facts and circumstances of this case and also that the petitioners are ready to transfer the title over the purchased property to the real owner, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Madukkarai, Coimbatore, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/-only (Rupees Twenty Five Thousand Only), to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioners shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioners shall transfer the title over the property to the real owners before the concerned Registering authorities within three weeks;

(e) the petitioners as well as the respondent police and the complainant shall co-operate with the above registration;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner 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]; and;



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

-sd/-

12/05/2022

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,
MADUKKARAI, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CCB POLICE, COIMBATORE CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.A.NOWFAL Advocate on payment of necessary charges
Sr.7081

CRL OP.11122/2022

Date :12/05/2022

RVR 16/05/2022