



Crl.O.P.No.15633 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in Crime No.11 of 2022 on the file respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the de-facto complainant have entered into a sale agreement whereby, the petitioners received sale consideration of Rs.40,05,000/-. Thereafter, the de-facto complainant came to know that there is encumbrance in the property that one Dinesh and Ranganathan claiming share in the property with others and they had sent legal notice to the 2nd and 3rd petitioners on 28.10.2020 and received reply on 09.11.2020. Hence, the petitioners are alleged to have suppressed the fact and when the defacto complainant asked to return the said amount, but the petitioners refused to return thereby, alleged to have cheated the de-facto complainant. Hence, this complaint.



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3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and nothing to do with the alleged offences. He further submitted that the petitioners are ready to offer substantial sureties for their release on bail and abide by any conditions imposed on them. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent police submitted that the petitioners are arrayed as A1 and A2 in this case. He further submitted that they have received the said amount from the de-facto complainant in order to sell the property and failed to register the property. Therefore, he opposed to grant anticipatory bail to the petitioner.

5. It is seen that the de-facto complainant entered into an agreement for sale in order to purchase the property belong to the 3rd petitioner herein and paid a sum of Rs.40,05,000/-. Thereafter the 3rd petitioner refused to register the said property in favour of the de-facto complainant and the allegation is that there was an another owner for the



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same property, even then the 3rd petitioner entered into the agreement for sale with the de-facto complainant. Further, the learned counsel for the petitioner submitted that already two occasions the d-facto complainant lodged complaint and the same was enquired and closed as civil in nature. Now, the very same complaint has been registered in Crime No.11 of 2022 for the offence under Section 420 IPC. That apart, the 3rd petitioner filed a suit in O.S.No.167 of 2021 before the Additional District Court, Namakkal, in respect of the very same property for declaration, which is pending.

6. Considering the facts and circumstances of the case and also taking note of the fact that the custodial interrogation of the petitioners is do not require in this case therefore, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7. 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



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Judicial Magistrate, Komarapalayam, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police daily at Morning 10.30 A.M., for a period of two weeks and thereafter as and when required for interrogation.

[c] the second and third petitioners shall appear before the respondent police 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 investigation or



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trial.

[f] On breach of any of the aforesaid conditions, the learned 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.

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