



Crl.O.P.No.17203 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C and 420 of IPC @ Sections 120-B, 468, 471, 420 of IPC r/w Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.07 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant had received a loan from one Velu and as a security, he executed a Power of Attorney in favour of the said Velu with regard to his land. It is alleged that the said Velu had sold the subject property without the knowledge of the defacto complainant and her husband. When the same was questioned by the defacto complainant and her husband, the said Velu demanded to execute the sale deed with regard to the land which belongs to the defacto complainant. The defacto complainant also executed a sale deed in favour of the said Velu's wife and failed to return the land belongs to the defacto complainant's husband. Thereby, the said Velu cheated the defacto complainant. Hence, the complaint.



Crl.O.P.No.17203 of 2022

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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the Intervener would submit that the accused persons conspired together and cheated the defacto complainant and did not return her husband's land to them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that the petitioners are bonafide purchasers and they also involved in the crime. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. It is seen that while pending anticipatory bail petition, the



CrI.O.P.No.17203 of 2022

parties amicably settled their issue by a Memorandum of Understanding, dated 30.08.2022.

7. Considering the above facts and circumstances of the case, the this Court is inclined to grant anticipatory bail to the petitioners in terms of the Memorandum of Understanding entered between the parties, dated 30.08.2022, with certain conditions.

8. 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, Namakkal, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 condition 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.



CrI.O.P.No.17203 of 2022

[b] If the petitioners failed to comply with any one of the terms and conditions as per the Memorandum of Understanding, dated 30.08.2022, the petition for anticipatory bail shall stand dismissed. The Memorandum of Understanding, dated 30.08.2022 shall form part and parcel of this order.

[c] the petitioners shall report 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

01.09.2022

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CrI.O.P.No.17203 of 2022

CrI.O.P.No.17203 of 2022

01.09.2022