



Crl.M.P.No.12713 of 2022 in Crl.O.P.No.13394 of 2022

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G.K.ILANTHIRAIYAN, J.

This petition has been filed to cancel the anticipatory bail granted to the respondents 1 to 3 herein by this Court in Crl.O.P.No.13394 of 2022 by an order dated 16.06.2022.

2. The case of the prosecution is that the *de facto* complainant is the native of Keezhmugam Village, Mallasamudaram, Thiruchengodu, Namakkal District and is presently residing at Mumbai, Maharastra. It is the further case of the *de facto* complainant that he purchased a property in his native in Survey No.227/5 to an extent of 2616 Sq.ft on 27.08.1993 and constructed a shopping complex with 6 shops by the name Karupaiah Shopping Complex. It is alleged that, the Kandhuvatti Velu/A1 and Jagadeesan/A2 allegedly lured the *de facto* complainant to avail loan at an attractive lower rate of interest and believing the words of A1 & A2, on 29.12.2015, the *de facto* complainant mortgaged his shopping complex and availed a loan of Rs.15,00,000/- at 3.50 % interest per month alongside, he

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also executed a sale agreement dated 29.12.2015 in favour of Kandhuvatti

Velu/A1 and Jagadeesan/A2 and at the insistence of the above, the *de facto*

complainant also executed a General Power of Attorney in favour of

Subramanian/A3 petitioner herein. Thereafter, the *de facto* complainant left

for Mumbai on business. Further, the *de facto* complainant admits that

between 29.12.2015 and 07.08.2017, Kandhuvatti Velu/A1 and

Jagadeesan/A2 had paid Rs.55,00,000/-. It is further stated in the complaint

that, the *de facto* complainant suffered health setback in the month of

January 2017 and hospitalized and taking treatment as inpatient. On

coming to know the health condition of the *de facto* complainant, both

Kandhuvatti Velu/A1 and Jagadeesan/A2 paid the *de facto* complainant a

further sum of Rs.1,00,000/-. After undergoing treatment for a few months,

the *de facto* complainant returned to his native, the *de facto* complainant

allegedly attempted to repay the Rs.55,00,000/- which the *de facto*

complainant allegedly received as loan and gave his shopping complex in

mortgage, but Kandhuvatti Velu/A1 and Jagadeesan/A2 gave evasive

reasons and refused to receive the money. The *de facto* complainant

claimed that, the property was valued at Rs.1,75,00,000/- and suspecting



foul play applied for Encumbrance Certificate and came to understand that using the Power of Attorney dated 21.04.2015, Subramaniam/A3 executed a sale deed in favour of Kandhuvatti Velu/A1 and Jagadeesan/A2 using an allegedly fabricated medical and life certificate issued by Dr.Velappan/A4, on 21.04.2017. Further, it is alleged that while registering the property, the fact that a shopping complex existing in the land was suppressed and was shown as a vacant site. On 10.11.2020, it is alleged that the *de facto* complainant went to the shop housing M/s Vinayaga Hydraulics owned by Jagadeesan/A2 to question the overt acts, where he was allegedly threatened with dire consequences in the presence of one Ayyakannu and Thangaraj. Hence, the complaint.

3. Considering the facts and circumstances, this Court granted anticipatory bail to the respondents 1 to 3 herein, with the following conditions,

"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, Thiruchengode, on



condition that each of the petitioners shall execute a separate 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

*[e] 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]**.*

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC."



4. The learned counsel for the petitioner would submit that after granting anticipatory bail to the respondents 1 to 3 herein, they failed to comply the conditions imposed by this Court. That apart, they also threatened the petitioner/defacto complainant to withdraw the earlier complaint lodged by the petitioner herein.

5. The learned counsel for the respondents 1 to 3 herein also submitted that the conditions imposed by this Court were duly complied by the respondents 1 to 3 herein and they are ready and willing to co-operate for the investigation.

6. The learned Government Advocate (Crl.Side) appearing for the fourth respondent submitted that no complaint has been received so far as against the respondents 1 to 3 herein.

7. Considering the above facts and circumstances, this Court finds no grounds to cancel the anticipatory bail granted to the respondents 1 to 3 herein and this Court is not inclined to cancel the anticipatory bail granted to the respondents 1 to 3 herein.



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WEB COPY 8. Accordingly, this Criminal Miscellaneous petition is dismissed.

However, for interrogation purpose, the respondents 1 to 3 herein are directed to appear before the fourth respondent herein daily at 10.30 a.m, for further period of two weeks from the date of receipt of a copy of this order.

22.08.2022

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