



Crl.OP.No.20424 of 2022

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**G.K.ILANTHIRAIYAN, J.**

The petitioners, who apprehend arrest for the alleged offence under Sections 420 and Section 4 of Exorbitant Interest Act in Crime No.390 of 2022 on the file of the respondent police, seek anticipatory bail.

2. It is seen that there are totally three accused in this case. The case of the prosecution is that the defacto complainant obtained loan to the tune of Rs.5,00,000/- from A1 and in turn the defacto complainant mortgaged her property and executed a power of attorney with respect to her property in favour of A1 and thereafter, A1 executed a sale deed in favour of A2. Subsequently, the disputed property was sold to A3. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the



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prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the allegation against the petitioners is that they mislead and cheated the defacto complainant. A2 and A3 are the purchasers of the defacto complainant's property. He would further submit that A1 was already arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of this case and also taking into account that the entire allegation is as against A1, this Court finds that the custodial interrogation of the petitioners need not require. Hence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

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 on which the order copy made ready, before the



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learned VII Judicial Magistrate Court, Coimbatore on condition that the petitioners shall execute a 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 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.



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[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.

01.09.2022

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