



Crl.O.P.No.5012 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 406, 420 and 506(i) of IPC in Crime.No.114 of 2023, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant Duraimaran is that the first accused had induced him to buy her property stating that she is the owner of the property and that it was mortgaged in the ICICI bank and that she offered to sell the property and had received an amount of Rs.2.265 Crores. Later she had refused to discharge the loan and took away the property from the bank. When the defacto complainant asked for return of his money, she along with her son and daughter and others had threatened the defacto complainant. Hence the complaint.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been



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falsely roped in this case. He would submit that the petitioners are respectively the son and daughter of the first accused and there was an agreement with regard to the sale of the property between the defacto complainant and the first accused. The first accused knowing well the property was under mortgage with the ICICI bank, had offered to purchase the property and after paying 2 crores and odd and he did not pay the balance amount and thereby there was a dispute. While so, he has given a false complaint as if the first accused namely the mother of the petitioners had cheated him and the petitioners have threatened him. He would submit that based on the complaint the mother of the petitioners was arrested and when she was produced before the learned Magistrate, the learned Magistrate finding that it is case of civil nature had refused to remand the mother of the petitioners and had granted bail. He would further submit that a reading of the complaint would go to show that the complaint is a false one and it involves civil dispute which has been attempted to be settled by way of criminal complaint and he would submit that even the main allegations are only as against the first accused/mother of the petitioners. The petitioners are respectively the son



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and daughter, the first petitioner is a software professional and the second petitioner is studying Siddha in a Siddha Medical College in Kerala.

Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners are son and daughter of the first accused and the first accused had induced the defacto complainant to buy her property stating that she is an owner of the property and that it was mortgaged in the ICICI bank and that she offered to sell the property. The defacto complainant believing the same, had paid about a sum of Rs.2 crores and later after receiving the amount, the accused had failed to discharge the mortgage and to execute the sale deed. Later the first accused along with her son and daughter and other family members have threatened the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the FIR.



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6. Taking into consideration the facts and circumstances of the case and also the submissions of either sides, 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 Judicial Magistrate-I, Alandur** on condition that the petitioner shall execute a separate bond for a sum of **Rs.25,000/- (Rupees twenty five 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



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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 everyday at 10.30 a.m., for a period of one weeks and thereafter as and when required for interrogation. The second petitioner shall report before the respondent police every Saturday at 10.30 a.m., until further orders.

[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]***; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10.03.2023



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