



Crl.O.P.No.6074 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 alleged offences punishable under Sections 120(B), 420, 466, 467 & 468 IPC, in Crime No.53 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant in brief is that the accused had induced him stating that they are the owners of the property and had received an advance amount of Rs.50,00,000/- and thereafter refused to execute the sale deed and cheated the defacto complainant. Hence, the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He submitted that the defacto complainant had offered to purchase the property belonging to the petitioners and paid an advance amount of Rs.50,00,000/- and thereafter he did not come forward to register the sale



Crl.O.P.No.6074 of 2023

WEB COPY

deed. The petitioners were unable to sell the property and later they have sold a portion of the property after the period of limitation. He submitted that instead of filing a suit for specific performance, the defacto complainant after the lapse of period of limitation has filed a criminal complaint and attempted to recover the amount by police action. He further submitted that the entire allegations would make out only a case of civil nature and a false complaint has been given.

4.The learned Government Advocate (Crl.side) submitted that the accused had induced the defacto complainant that they would sell the property and they have received an amount of Rs.50,00,000/- and thereafter refused to execute the sale deed and sold a portion of the land to 3rd party. He further submitted that notice has been issued to the petitioners under Section 41(A) for their appearance and later they have not appeared. Thereby, he vehemently opposed the grant of anticipatory bail to the petitioners.



Crl.O.P.No.6074 of 2023

WEB COPY

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record including the FIR.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate No.I, Coimbatore**, on condition that the petitioners 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 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.



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Crl.O.P.No.6074 of 2023

A. D. JAGADISH CHANDIRA, J.

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[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter 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]*.

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

8. With the above directions, this Criminal Original Petition is ordered.

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17.03.2023

Crl.O.P.No.6074 of 2023