



CrI.O.P.No.9956 of 2023

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T.V.THAMILSELVI,J.

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 420 of IPC, in Crime No.1 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the property in Plot No.20,63 and 64 bearing S.No.145/8 situated at Thachoor Village, Kallakurichi District, belonged to the petitioners and thereby they executed a General Power of Attorney in favour of the Shanmugam /A3. Subsequently, A3 entered in to sale agreement dated 04.07.2016 with the defacto complainant and thereby fixed price at the rate of Rs.1500 /- per sq.ft. and the defacto complainant had given a sum of Rs.6,00,000/- as advance, but the petitioners were failed to execute the document in favour of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, and he has been falsely implicated in this case. He would further submit that already Civil Suit was



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filed by the defacto complainant against the petitioners in O.S.No.277 of 2023, which is pending before the learned District Judge, Salem and also the property was attached in the interim application. He would also submit that and the petitioners are ready to abide by any stringent conditions imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the property belongs to A1, who has given power of attorney to A3 and based on the Power of Attorney, the defacto complainant entered into sale agreement and paid a sum of Rs.28,20,000/- to A3, thereafter, neither executed the sale deed and nor returned the money, thereby, cheated the defacto complainant. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances, the Civil suit is pending on the file of the District Court, Salem and the allegation is purely civil in nature and the property also attached in the interim application, it is only a loan transaction, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The petitioners are ordered to be released



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on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate VI, Salem, on condition that 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 as and when required for interrogation and report before the trial Court on every hearings without fail.

[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

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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.

03.08.2023

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