



CrI.O.P.No.9976 of 2023

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WEB C RMT.TEEKAA RAMAN, J.

The Petitioner, who apprehends arrest at the hands of the Respondent police for the offence punishable under Sections 420 of IPC in Crime No.196 of 2023 on the file of the Respondent police, seek anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant viz., S.Thangamani had lodged a complaint before the Respondent police stating that her husband viz., S.Balasundaram was running a company and after his demise, she is running the said company along with her daughter. During 2012, the accused approached S.Balasundaram and compelled him to purchase the vacant land by showing forged documents, for the same, S.Balasundaram had paid a sum of Rs.25,00,000/- on various occasions. But the accused neither transferred the property nor repaid the said amount. In this regard, O.S.No.1063 of 2012 was also filed for specific performance and the same was decreed on 02.02.2013. After complaint, the Defacto Complainant accepted the receipt of Rs.25,00,000/-. Hence the complaint.

3.The learned Counsel for the Petitioner would submit that to put an end to the litigation between the Petitioner and the Defacto Complainant's husband, the Petitioner paid a sum of Rs.25,00,000/- to them on 11.09.2013 and received receipt for the same. He would further submit that the Petitioner is



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ready to cooperate with the enquiry and if the Defacto Complainant appear before the Respondent Police Station and see the signature of her husband in the receipt and in case it is found forged, thereafter, the police can take necessary action in accordance with law. Hence, the learned counsel for the Petitioner prays for grant of anticipatory bail to the Petitioners.

4.The learned Government Advocate (Crl. Side) for the Respondent would submit that in the year 1997, the original land owners have executed a sale deed in favour of a third party and the legal heirs of the purchaser therein is enjoying the property. He is vehemently opposed to grant anticipatory bail to the Petitioners.

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

6.One Chenniyappan and Subramaniam are said to be the owners of the property and they have executed a general power of attorney in favour of Ramagopal (Petitioner/Accused). On the strength of the said power of attorney, he had entered into a sale agreement with the husband of the Defacto Complainant and a suit in O.S.No.1063 of 2012 was also filed for specific performance and the same was decreed on 02.02.2013. As per the Decree, the balance sale consideration is Rs.50,000/- and the Plaintiff was directed to deposit the same and the Defendants were directed to pay a sum of



Rs.67,505.50 as cost of Suit to the Plaintiff. Since the Defacto Complainant's husband does not require the land, the amount was said to be refunded to the Defacto Complainant's husband. Now the point for investigation is whether the receipt produced by the Accused is genuine or not.

7.Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the Petitioner with certain conditions.

8.Accordingly, the Petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate II, Coimbatore**, on condition that the Petitioner 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 Petitioner 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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[b] the Petitioner shall report before the Respondent Police, on every Tuesday and every Saturday at 10.30 a.m., for a period of three weeks and thereafter as and when required;

[d] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the Petitioner shall not abscond either during investigation or trial.

[f] 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 Petitioner 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]**.

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

9.The Respondent Police shall receive the copy of the receipt produced by the Petitioner herein and to compare it with the documents obtained from the Defacto complainant and based upon the forensic report, they can proceed with the matter in accordance with law.

18.08.2023

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