



Crl.O.P.No.16551 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420, 120(b), 406 & 506(ii) of IPC, in Crime No.265 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that he is owning the agricultural land to an extent of 11.09 acres at Sunnambukuttai, Devanagoundanur and he decided to sell his property due to his daughter's marriage and son's educational expenses. Due to trouble of neighboring land owner, he was unable to sell the property and thereby, decided to obtain loan. The further allegation is that one financier namely Vijai and another financier namely Saravanan at Salem have approached the defacto complainant through brokers namely Prakash and Gopal and on the false promise, they will extend one crore loan to his property and insist to enter MOD. In view of huge amount of loan, the financiers along with the brokers had insisted the defacto



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complainant to execute two sale deeds, one in favour of Vijay and another sale deed in favour of Saravanan, who are arrayed as A1 and A2. Thereafter, the defacto complainant executed the sale deeds and approached A1 and A2 for receiving the loan amount, they have not settled the loan amount and later, cheated him. Hence the complaint.

3. The learned Counsel for the petitioner would submit that originally the defacto complainant sold his property in favour of A1 and A2 and thereafter, A1 and A2 sold to A3 and in turn, A3 sold in favour of A4 and his wife. He would further submit that as far as this petitioner is concerned, he entered registered sale agreement with A4 and his wife and the same was also subject matter in the civil suit filed by the defacto compliannat's side in O.S.No.356 of 2022. He would also submit that a case of civil dispute has been given a criminal colour. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused had



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insisted the defacto complainant to execute two sale deeds and thereafter, the defacto complainant has executed the sale deeds in favour of Vijay and Saravanan and approached them for receiving the loan amount, they have not settled the loan amount and cheated him. Hence, he opposed for grant of anticipatory bail to the petitioner.

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

6. After hearing the learned counsel on either side, it appears that the petitioner is arrayed as A5, who is yet to have entered into an agreement of sale with the subsequent purchaser. Considerig the overtact as against the petitioner, who is not a prime accused as that of A1 and A2, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on him appearance, within a period of fifteen days from the date on which the order copy made ready, before the



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learned Judicial Magistrate No.I, Sankari, on condition that the petitioner shall execute a 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.

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with



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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]**.

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

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