



Crl.O.P.No.17720 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 120-B, 420, 465, 468 & 471 of IPC, in Crime No. 27 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have sold an extent of 8 cents and 12 Sq.ft in Survey Nos.387 and 388, situated at Kuniyamuthur Village, to the defacto complainant through a registered sale deed dated 01.02.2021, bearing Doc.No.635 of 2021. The above said land was earmarked for Children's Park in the approved layout. After coming to know about the same, the defacto complainant demanded the petitioners to return the sale consideration but the petitioners failed to do so. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this



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case. He would further submit that the petitioners acquired ownership over the above said land through a registered Will dated 27.12.1985, registered before the Joint-II Sub-registrar, Coimbatore, vide Doc.No.212 of 1985. He would also submit that the petitioners, to show their bonafide, ready and willing to deposit a reasonable amount to the credit of Crime No.27 of 2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners are alleged to have sold the property, which has been allotted for Children's Park, belonging to the Government to the defacto complainant and received a huge amount as sale consideration and executed a sale deed. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. After hearing the learned counsel for the petitioners, I find that originally the layout was done by the father of the accused herein and thereafter, the land has been sold to the defacto complainant by these



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petitioners by virtue of the Will dated 27.12.1985. The sale deed was executed on 01.02.2021 vide Doc.No.635 of 2021 and subsequently, the defacto complainant came to know that is a Children Playground Space and hence, the complaint.

6. Further, the Investigating Officer has produced a letter addressed from Assistant Commissioner, South Zone, Coimbatore, dated 08.06.2023, stating that the land in question is CPS (Children Playground Space). According to the petitioners, they have not wantonly done it since they have not executed any gift deed in favour of the then Municipality and they were under the honest bonafide impression that the layout has been promoted by none other than the father of the accused.

7. Taking into consideration the facts and circumstances and also the submission made by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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8. Accordingly, **the petitioners are directed to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakh only) to the credit of Crime No.27 of 2023 on or before 14.09.2023 before the concerned Magistrate, failing which, the anticipatory bail granted by this Court shall stands automatically cancelled,** and on such deposit 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 **Judicial Magistrate No.VII, Coimbatore**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties 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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[b] the petitioners are directed to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakh only) to the credit of Crime No.27 of 2023 on or before 14.09.2023 before the concerned Magistrate, failing which, the anticipatory bail granted by this Court shall stands automatically cancelled.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, shall appear before the respondent police as and when required for interrogation.

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

[e] the petitioners 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 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]**.

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

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