



Crl.O.P.No.18314 of 2023

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WEB C **RMT.TEEKAA RAMAN, J.**

The petitioners, who apprehend arrest for the alleged offences under Sections 406 420 of IPC and Section 5 of TNPID Act, in Crime No.10 of 2013 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant/ K.Jayasankar, who is the Real Estate Agent is that the petitioners collected money from the public by monthly installment scheme in return to hand over the lands to them. At the end of scheme period, they have not fulfilled their promise and cheated the defacto complainant and others. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and on the very same day of the complaint, the petitioners had settled the defacto complainant by way of compromise by registering 43 plots in his name and for the same, the defacto complainant also assured to withdraw the said complaint against the



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petitioners. He would further submit that the petitioners through their partnership firm, had informed their respective customers that they are ready settle the entire plots to them but without the above said knowledge, the defacto complainant had filed this complaint with an ulterior motive. For more than 9,000 depositors, the petitioners have allotted plots and executed sale deeds in their respective names. For 1753 depositors, who disputed the allotment of plots, the petitioners settled them by way of reimbursement of money with the presence of Investigating Officer. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that as against 1753 depositors, the petitioners have settled the entire amount. He would further submit that though the amount has been settled for the persons, who gave the complaint, they apprehend that some of the persons may give a complaint in future. He would submit that the quash petition filed by the petitioners in Crl.O.P.No.4532 of 2022 was also dismissed by this Court. Hence, he opposed for grant of anticipatory bail to the petitioners.



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

6. Taking note of the fact that FIR is of the year 2013 and all the depositors namely 1753 have already been settled and in respect of some of the persons, certain lands belongs to Adhidravidar assignment has also been considered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. However, it is made clear that in the event of any fresh complaint with regard to the very same issue, the respondent Police shall issue summons to the respective persons under Section 41(a) of Cr.P.C., and proceed in accordance with law.

8. Accordingly, 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 **learned Special Judge for TNPID Act, Coimbatore**, 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 on 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



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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;

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