



Crl.O.P.No.19103 of 2023

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WEB CRI RMT.TEEKAA RAMAN, J.

The Petitioners, who apprehend arrest at the hands of the Respondent police for the offence punishable under Sections 420 & 406 of IPC in Crime No.166 of 2023 on the file of the Respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Defacto Complainant was doing business viz., Washing House and the Petitioners invested a sum of Rs.9,00,000/- in his business. Due to business loss, the Defacto Complainant repaid only a sum of Rs.2,00,000/- to the Petitioners. Subsequently, Petitioners invited the Defacto Complainant to become partner of their company viz., Splindid Construction. Since the Defacto Complainant has no money to invest, as per the suggestion of the Petitioners, his mother-in-law executed a power of attorney deed in favour of the Petitioners, as part of his investment to become partner in the said company. But the Petitioners had not make the Defacto Complainant as partner in their company, instead they demanded a sum of Rs.49,00,000/-, for returning the document. Hence the complaint.

3.Learned Counsel for the Petitioners would submit that in the year 2015 the Defacto Complainant borrowed a sum of Rs.9,00,000/- from the first Petitioner. As he failed to repay the said amount, his mother-in-law gave general power of attorney on 02.09.2016 in favour of the first Petitioner.



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Thereafter, sale agreement was executed by the first Petitioner with one Balasubramanian. In the year 2022, Deivathaal, who is mother-in-law of the Defacto Complainant cancelled the general power of attorney, without prior intimation to the first Petitioner. Balasubramanian already filed Suit in O.S.No.703 of 2023 against the Petitioners and the Defacto Complainant before the First Additional District Judge, Coimbatore. The present complaint was made with malafide intention. Hence, the learned counsel for the Petitioners prays for grant of anticipatory bail to the Petitioners.

4.Learned counsel for the Petitioners would submit that she is not pressing this Petition against the second Petitioner.

5.The learned Government Advocate (Crl. Side) for the Respondent would submit that the Defacto Complainant is a owner of washing company. The Petitioners owned a construction company. Defacto Complainant took loan from the Petitioners for a sum of Rs.9,00,000/- and returned a sum of Rs.2,00,000/- to them. He is vehemently opposed to grant anticipatory bail to the Petitioner.

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

7.It is brought to the notice of this Court that O.S.No.703 of 2023 is pending before First Additional District Judge, Coimbatore, wherein the Defacto



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complainant's Mother in law is shown as second Defendant/Deivathal. The Registered agreement holder viz., Balasubramanian filed a suit for specific performance of the sale agreement dated 02.09.2016, wherein he has filed original sale deed No.2390 of 2003 dated 04.06.2003, original sale deed No.2391 of 2003 dated 04.06.2003 along with original power of attorney dated 02.09.2016. In the said factual background, I am inclined to grant anticipatory bail to the first Petitioner with certain conditions and this Petition is dismissed as against the second Petitioner.

8.The first 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 VII, Coimbatore**, on condition that the first Petitioner shall cooperate for trial and he 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 first 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



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pass Book to ensure their identity;

[b] the first Petitioner shall report before the Respondent Police, on everyday at 10.30 am for a period of three weeks and thereafter as and when required;

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

[d] the first 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 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]**.

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

23.08.2023

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