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Crl.O.P.Nos.23652 & 24164 of 2023

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And

Crl.M.P.Nos. 17485 & 17459 of 2023

C.V.KARTHIKEYAN, J.

Intervening Petitions in Crl.M.P.Nos. 17485 & 17459 of 2023 are allowed.

The petitioners/accused Nos. 1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420 and 506(i) of Indian Penal Code in Crime No. 316 of 2023, seek anticipatory bail.

3. It is stated that the accused Nos. 2 and 3 are the owners of plot of land wherein a project named Green Paradise at NLC Satellite Township at Neyveli Township in Kilkollai Village was proposed to be done. Originally, they had entered into a development agreement with the petitioner /A-1 in Crl.O.P.No. 23652 of 2023. The defacto complainant had also intention to join in the said project probably with intention to make profit of the plots sold after the project is completed. In this connection, he had collected amounts from various individuals and it



Crl.O.P.Nos.23652 & 24164 of 2023

is stated that he had invested a sum of Rs.52/- lakhs. Then there arose disputes and the project did not move forward. In the meanwhile, the defacto complainant, since he had collected a sum of Rs.52/- lakhs from various individuals, owing to pressure had lodged a complaint as against the present accused. The fourth accused is a relative of the accused Nos. 2 and 3.

4. The learned counsel for the first accused stated that the entire complaint is a collusive complaint and stated that the first accused had originally granted a power of attorney coupled with interest and the same had been revoked and to protect his interest in the development of the property, he had also instituted a suit in O.S.No. 138 of 2020 before the Principal District Court at Cuddalore. In the said suit, he had also filed interlocutory applications seeking injunction restraining the first defendant therein, who is the second accused/first petitioner with his right / the right of the first accused herein to develop and construct buildings and also from continuing to be in peaceful possession of the property. It is also contended by the learned counsel that the first accused had also filed a petition under Section 156(3) of Cr.P.C., before



Crl.O.P.Nos.23652 & 24164 of 2023

the jurisdictional Magistrate Court at Panruti and that the said petition is pending. While these aspects were pending, a direction was given to the respondent to issue notice under Section 41-A Cr.P.C., to all the parties and determine the status with respect to their disputes.

5. A status report has been filed before this Court wherein it had been stated that notices had been served under Section 41-A Cr.P.C., and the accused Nos. 2, 3 4 and 5 had appeared and the defacto complainant had also appeared. It had also been stated that the accused Nos. 2, 3 and 4 and the defacto complainant had entered into an agreement and by that agreement, they had agreed to continue construction work in Green Paradise at NLC Satellite Township and the cases filed by the first accused would be settled. There is no indication that the first accused was a party to this agreement.

6. In the status report, the respondent had also stated that he had informed about this to the first accused but he did not agree to the compromise agreement. The issues are locked in a civil suit now pending before the Principal District Court at Cuddalore where the first accused has filed the suit against the second accused. The defacto complainant is



Crl.O.P.Nos.23652 & 24164 of 2023

a third party stranger. He had only invested in the project. Pendency of that particular suit and since in view of the fact that the first accused had filed an application under Section 156(3) Cr.P.C., seeking registration of FIR on a complaint given by him as against the other accused and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 District Munsif-cum-Judicial Magistrate, Neyveli, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 this Court 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.



Crl.O.P.Nos.23652 & 24164 of 2023

[b] the petitioners shall appear before the respondent police once in a week i.e., every Monday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[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 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.

13.12.2023

vsg

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