



Crl.O.P.No.1271 of 2024

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Sections 120(B), 406 and 420 of IPC in Crime No.60 of 2023 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that these petitioners who are appointed as a power agents by the defacto complainant's company namely "Radical Properties Pvt. Ltd." obtained 3 cheques totalling Rs.8,00,000/- on 25.03.2011 towards the purchase of 8 acres of land in the name of company, whereas the accused registered the land in the name of A1 and A2, it is further alleged that even after tendering written undertaking to give back the land, they have not given. It is further alleged that these petitioners also sold a plot in VIP gardens without the company's board resolution for Rs.27,00,000/- (Rupees Twenty Seven Lakhs Only) and misappropriated. It is further alleged that the petitioners also cheated the defacto complainant's 92 years old mother. Hence the complaint.



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3.The learned counsel appearing for the petitioners would submit that they are law abiding citizens. They are innocent persons and have not committed any offence as alleged by the respondent police. They are hailing from very respectable family and have no bad antecedents. They undertake to abide by any conditions that may be imposed on him upon due enlargement on bail. The petitioners submit that they are ready to furnish substantial sureties for their due release on anticipatory bail. Hence he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of anticipatory bail to the petitioner. The petitioners have cheated the defacto complainant's 92 years old mother and misappropriated.

5.The learned counsel appearing for the intervenor raised objection and stating that the defacto complainant was cheated by the petitioners and the petitioners misappropriated funds to the tune of Rs.2,56,10,000/- from 2009 to 2012 and all these years he was suffered from the hands of the first petitioner.



Apart from the business transaction, the defacto complainant purchased the 1st petitioner's company on 19.07.2013 by executing a memorandum of understanding and paying a sum of Rs.1,55,93,800/-. The petitioners have cheated the defacto complainant for morehan a decade.

6.Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are directed 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 Judicial Magistrate Court VII, Coimbatore, on condition that the petitioners 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 the petitioners, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner is directed to deposit a sum of Rs.5,00,000/- and the second petitioner is directed to deposit a sum of Rs.2,00,000/- to the credit of the Crime No.60 of 2023, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready;

(c) the petitioners shall appear before the respondent police on every Tuesday at 10.30 a.m., until further orders;

(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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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