



Crl.O.P.No.3857 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner seeks anticipatory bail in Crime No.27 of 2024 registered by the respondent police for the offences under Sections 417 and 420 IPC.

2. It is the case of the prosecution that the defacto complainant saw an advertisement about sale of land in Kanthan Nagar Phase II at Sangapur Village in Goundampalayam, Coimbatore. The defacto complainant had responded to that advertisement. It is stated that the defacto complainant had given a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) as an advance to the Petitioner and an agreement of sale had also been entered into between the parties. But subsequently, it was alleged that the Petitioner did not comply with the terms of the agreement of sale and as a matter of fact, he was not at all the owner of the property which was advertised for sale.

3. The learned counsel for the Petitioner, however, stated that the Petitioner is a real estate agent and was the power of attorney holder of the original owner and further, contended that the original owner was murdered



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on 15.02.2022. It is also contended that the defacto complainant had instituted a suit in O.S.No.308 of 2023 seeking specific performance of the agreement of sale. But that fact has not been mentioned in the complaint lodged before the respondent.

4. Owing to non-disclosure of that particular fact, this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions. Accordingly, the 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 Judicial Magistrate No.I, Coimbatore**, on condition that the petitioner 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 or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that :



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[a] the 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 pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for the interrogation.

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

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.



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

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