



Crl.O.P.No.4279 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.37 of 2023 registered by the respondent police for the offences punishable under Sections 465, 468, 471, 420 and 120(b) of IPC.

2. It is stated that one Palanisami had sold his property which consists of six separate housing plots in S.Nos.249 and 250 at Kalappati Village, Coimbatore to one A.M.S.Ramasamy and his wife Vijayalakshmi. The said purchasers had appointed the petitioner herein as their power of attorney agent for all the six separate properties.

3. The issue was with respect to one of the house sites namely House Site No.167. It is stated that subsequently one Ayyappan had purchased the property from the petitioner herein by two documents registered as Document Nos.1027 of 2017 and 1028 of 2017.



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4. It is the contention of the learned counsel for the petitioner herein that the said Ayyappan had subsequently sold the property to the defacto complainant, but what it is to be also noted is that A1 and A2, had earlier sold the property and A1 had formed a lay out called Kongu Nagar at Kalappati Village, Coimbatore and sold the very same plot which is Site No.167 which measures 5.22 cents to one Udhaya Kumar vide Sale Deed dated 15.03.1996. Having sold the property to the said Udhaya Kumar, the property was again sold by granting power of attorney to this petitioner who sold it to Ayyappan and who subsequently sold it to the defacto complainant. Udhaya Kumar to assert his title, had filed O.S.No.2288 of 2009 against the original owners and others. That suit also did not have a free flow. Originally, the defendants were set exparte. Later, the defendants came back to defend the suit and subsequently, the suit was dismissed for default. It shows that all the accused had an elaborate plan to defraud the defacto complainant. Ultimately, the defacto complainant had purchased the property which had already been sold in the year 1996 and in which, after purchase, when she examined the property she found that houses had been constructed and somebody else was residing in the said property. The total consideration paid by the defacto complainant is Rs.34,00,000/-



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5. The learned counsel for the petitioner stated that A1 had died and A2 and A3 had been granted anticipatory bail by the Sessions Court, but, the role of this petitioner is extremely crucial. Even though the power of attorney had been cancelled still, the fact that he had sold a property to Ayyappan which property which had already been sold in the year 1996 shows that there are two sale deeds for the same property, one in the year 1996 and the other in the year 2017. The first one by the owners and the second one by the power of attorney agent.

6. It is stated that the petitioner had also participated whenever notice had been issued under Section 41A of Cr.P.C . A Status report had been filed on behalf of the respondent, wherein, it has been stated that the petitioner assured in writing that he will not tamper with the witnesses and that he would cooperate with the investigation process. He was also issued with summons under Section 160 of Cr.P.C and statement had also been recorded.

7. Taking all these factors, particularly the bonafide shown by the petitioner and the change in circumstances that the petitioner had also cooperated with the respondent, this Court is inclined to grant anticipatory bail



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to the petitioner subject to the following conditions:

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8 . 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 *learned Judicial Magistrate-VII, Coimbatore* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 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 everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for 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.



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[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]**.

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

Vv

05.03.2024



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