



Crl.O.P.No.8797 of 2024

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T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 211, 420, 465, 468, 471 and 120B of IPC in Crime No.11 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 30.01.2019, the petitioners and the defacto complainant entered into a joint venture agreement. Accordingly, they developed a land belonging to defacto complainant and converted them into house plots. Now, there was some misunderstanding arose, the defacto complainant filed a suit in O.S.No.713 of 2020, before the District Munsif, Coimbatore against the first accused who is the third defendant therein. In that suit, the first accused filed a written statement. Thereafter, another suit was filed by A1 in O.S.No.507 of 2022 before the District Munsif Court, Coimbatore. Both the suits were filed seeking the relief of not to cause interference with the plots which were allotted to them. Both the suits ripened for trial and pending before the Civil Court. At this stage, this FIR was filed.



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3. The learned Senior Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. A false case has been foisted based upon the complaint given by the defacto complainant as if the petitioners have cheated her by not following the joint venture agreement entered in respect of the property belongs to her. This FIR has been filed only to give a criminal colour to the civil dispute. Hence, he seeks to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners are arrayed as A1 to A3. They cheated the defacto complainant who is the original owner of the property, under the guise of joint venture agreement and they have not complied the terms of the agreement and attempted to take away the entire house plots which were allotted to the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also the fact that the joint venture agreement starts from the year 2019 and thereafter, the property was converted into house sites, due to which, two civil suits were filed and both are pending before the Trial Court and there is no possibility of tampering the evidence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate No.VII, Coimbatore** 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 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners are directed to report before the respondent police on every Tuesday and Friday at 10.30 a.m., for a period of twelve 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.



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7. The petitioners are directed to submit the relevant particulars to the investigation agency for proper investigation. The petitioners are further directed not to cause any interference unnecessarily to the defacto complainant in an illegal manner except under due process of law. If any deviation, the anticipatory bail granted shall stand cancelled automatically.

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