



Crl.O.P.No.14008 of 2024

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T.V.THAMIILSELVI, J.,

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 506(ii) and 109 of IPC r/w Section 3 of TNPPDL Act in Crime No.212 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is residing as a tenant in the 3rd floor of Swarnapuri RV Towers with her family. She proposed to buy the said apartment for 2.5 crores and also paid advance amount of Rs.1.70 crores in the year 2019 to one Ulaganathan, who agreed to sell the properties to the defacto complainant. Subsequently, the first accused, who is alleged to be the purchaser of the said apartment under the sale deed dated 30.09.2029 for valuable consideration, asked the defacto complainant to vacate the apartment. Hence, the defacto complainant filed a suit in O.S.No.253 of 2021 against the first accused and others and the same is pending. While so, on 30.04.2024, the petitioner along with other accused persons, came to the defacto complainant's apartment with deadly weapons and damaged her car and abused in filthy language and also threatened with dire consequences. Hence the case.



CrI.O.P.No.14008 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. The petitioner had already purchased the said property for valid consideration from his vendor namely Ulaganathan while so, the defacto complainant who is alleged to have entered into unregistered sale agreement, claiming right over the said property. He also submits that already a civil dispute is pending between the parties and therefore, in order to put the petitioner and other accused persons behind the bar, a false case has been foisted against them as if, the petitioner and other accused persons trespassed in to the defacto complainant's apartment and caused damages to her car and also threatened her with dire consequences. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervener raised objection stating that the defacto complainant had entered into an unregistered sale agreement with one Ulaganathan, prior to the alleged purchase made by the first accused and she had also paid a sum of Rs.1,55,00,000/- to the said Ulaganathan and thereafter, the first accused have created encumbrance in the said property and based on which, the petitioner along with other accused causing disturbance to the defacto complainant by abusing her in filthy language and subsequently,



Crl.O.P.No.14008 of 2024

the petitioner and other accused persons also damaged her cars and thereby, caused damages to the tune of Rs.5,00,000/-. He further submitted that the defacto complainant has filed a Civil Suit in O.S.No.253 of 2021 before the III Additional District Court, Salem and the same is pending. Hence, he prays for dismissal of this petition.

5. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that there are totally four accused in this case and that the petitioner is ranked as A3. He further submits that already there is a civil dispute pending between the parties while being so, the petitioner along with other accused, abused the defacto complainant in filthy language and also damaged her cars to the tune of Rs.5,00,000/-.

6. Heard the learned counsel for the petitioner, the learned counsel for intervener and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. It is seen that a Civil Suit in respect of purchasing of the said property is pending from the year 2021 even before registration of FIR. However, in this case, according to the prosecution, damages have been caused to the defacto complainant's vehicles.



CrI.O.P.No.14008 of 2024

WEB COPY

8. On considering the fact that the subject matter of document is of the year 2019, there is no possibility of tampering the evidence and witnesses, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the **learned Judicial Magistrate No.5, Salem**, 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.212 of 2024, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the concerned Court at the time of executing the bail bond and on such deposit, the victim is permitted to withdraw the said amount on filing of "undertaking affidavit and proper identification and acknowledgment";

[b] further the petitioner is directed to file an affidavit before the Trial Court that they would not



CrI.O.P.No.14008 of 2024

cause any disturbances to the defacto complainant except and due process of law;

[c] the petitioner 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;

[d] the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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 has been imposed and the petitioner are released on anticipatory 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]*; and;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

18.06.2024

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CrI.O.P.No.14008 of 2024

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CrI.O.P.No.14008 of 2024

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