



Crl.O.P.Nos.17559 and 17565 of 2024

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T.V.THAMIILSELVI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 506(1) of the Indian Penal Code, 1860 in Crime No.5 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 29.04.2024, the defacto complainant lodged a complaint before the respondent police that he has paid an advance to the Firm in which, the petitioner and his wife are partners, for the purchase of a property and not registered the same in his name and thereby, the petitioners cheated the defacto complainant to the tune of Rs.2,61,85,495/-. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any



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stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are husband (A1) and wife (A2) and that they are the partners of the Firm namely "Krishna Muruga Real Estate LLP". He further submitted that the petitioners gave a false assurance regarding purchase of a property to the defacto complainant. Believing the words of the petitioners, the defacto complainant invested money in their Firm to the tune of Rs.2,61,85,495/- and thereafter, he came to know that the said property is under dispute and the same shall not be registered since a case was registered on the said property and the same is pending before this Court and thereby, the petitioners cheated the defacto complainant to the tune of Rs.2,61,85,495/-. Hence he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor appeared and raised objection for grant of anticipatory bail to the petitioners stating that by giving false



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assurance, the petitioners cheated the defacto complainant to the tune of Rs.2,61,85,495/-. Hence, he raised strong objection.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their 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.I, Tirupur District**, on condition that the petitioners shall execute a separate 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



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satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall deposit a total sum of Rs.1,00,00,000/- [Rupees One Crore only] to the credit of Crime No.5 of 2024 within a period of two weeks from the date of receipt of a copy of this order without prejudice to the rights of their claim and shall produce the said receipt before the Court below;

[b] 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;

[c] the first petitioner shall report before the respondent police on every Tuesday at 10.30 a.m., for a period of twelve weeks and thereafter, as and when required for interrogation;

[d] the second petitioner shall report before the respondent police as and when required for interrogation;

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



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[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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