



WEB COPY



Crl.OP.No.18901 of 2024

Crl.O.P.No.18901 of 2024
and Crl.M.P.No.11430 of 2024

P.DHANABAL, J.

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC in Crime No.451 of 2024, seeks anticipatory bail.

2. Crl.M.P.No.11430 of 2024 has been filed by the defacto complainant seeking to intervene in this original petition. Considering the fact and circumstances of the case, this miscellaneous petition is ordered, accordingly.

3. The defacto complainant is the father of the petitioner/accused

1. The case of the prosecution is that the petitioner along with other accused had approached the defacto complainant and borrowed a sum of Rs.1.80 crores for the purpose of real estate business and also during February, 2024, the petitioner sought the defacto complainant to settle 17 acres for her real estate business and the defacto complainant had settled



Crl.OP.No.18901 of 2024

the same on 24.02.2024 vide Doc.Nos.1386 to 1388 of 2024. However, now the accused has not repaid the amount to the defacto complainant and has turned hostile. Hence, the complaint.

4. The learned counsel for the petitioner submitted that she is an innocent person and she has nothing to do with the alleged offence. As the petitioner had left the matrimonial home, the defacto complainant is forcing her to return back to the matrimonial home. The petitioner had filed a petition for divorce in HMOP.No.2419 of 2024, hence, the present complaint has been filed on frivolous allegations. It is the further contention of the petitioner that the dispute between them is civil in nature regarding the properties, partition etc., and has nothing to do with the alleged offence. Hence, seeks anticipatory bail.

5. The learned counsel for the intervening petitioner/defacto complainant submitted that the defacto complainant on believing the words of her daughter/petitioner had transferred a sum of Rs.1.80 crores and also settled 17 acres of land in her favour for the purpose of real



Crl.OP.No.18901 of 2024

WEB COPY

estate business. However, pursuant to the settlement deed, the petitioner had swindled an amount of Rs.4.25 crores, title documents and jewels and left the matrimonial home without repaying the amount. Hence, opposed this petition.

6. The learned Government Advocate (Crl.Side) would submit that there is a business transaction between the parties. As the petitioner along with other accused had availed a sum of Rs. 1.80 crores and also got settlement of 17 acres in her favour for the purpose of real estate business had not returned the money to the defacto complainant and left the matrimonial home, the defacto complainant has come up with the complaint. He also submitted, the investigation in this case is also not completed and there is no previous case pending as against the petitioner. Hence, vehemently opposed the grant of anticipatory bail to the petitioner.

7. Considering the rival submissions on either side and also the relationship between the petitioner and the defacto complainant and fact



Crl.OP.No.18901 of 2024

WEB COPY

that there are business transaction between the parties and the dispute is civil in nature and also there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, 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.



Crl.OP.No.18901 of 2024

[b] the petitioner shall report before the respondent police daily at 10:30 am until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

16.08.2024

dhk

P. DHANABAL, J.



WEB COPY



Crl.OP.No.18901 of 2024

dhk

Crl.O.P.No.18901 of 2024

16.08.2024