



Crl. O.P. No.20243 of 2024

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WEB CO P.DHANABAL.J.,

The petitioner apprehends arrest for the alleged offences under Sections 120-B, 423, 465, 467, 468, 471 and 506(i) of IPC and Section 82(d) of the Registration Act in Cr. No.28 of 2023, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the 1st accused promised to execute the sale deed in respect of the plot situated at Virupakshi Village, Vasugi Nagar and the said plot was subsequently converted into 18 housing plots and the 1st accused promised to execute sale deed for the said plots in favour of the defacto complainant and on believing his words, the defacto complainant, on 22.02.2016, had paid the entire sale consideration amount, but the accused did not execute the sale deed as promised, that the accused 1 to 4 had conspired together with dishonest intention to defraud and cheat the defacto complainant and jointly executed cancellation deed and cheated the defacto complainant to the tune of Rs.21 lakhs and hence the case.



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3. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent and the defacto complainant is not known to the petitioner and she never promised to sell the properties to the defacto complainant, that A1 and the defacto complainant are the business partners having several money transactions between them and the defacto complainant has implicated this petitioner as an accused using her political influence and the petitioner is in judicial custody for the past more than 45 days, that the sale deed is alleged to have executed in the year 2015 and cancellation deed was executed in the year 2016 and after several years, the present complaint has been lodged by the defacto complainant against the accused and the petitioner is no way connected with the commission of the offences, that the dispute is purely civil in nature and the defacto complainant has given a criminal colour and hence he prays for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) appearing for the State would submit that the accused, colluding with each other, promised to execute the sale deed of the properties, which had been purchased from the co-accused Suresh through a Sale deed dated 02.03.2015 and believing his words, the defacto complainant had paid the



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entire sale consideration of Rs.20 lakhs to the petitioner herein, but the accused had not executed sale deed in favour of the defacto complainant as promised and the said Suresh, petitioner's husband Sundaramurthy and this petitioner had colluded with each other, had cancelled the above said sale deed dated 02.03.2015 in the year 2016 and thereby, cheated the defacto complainant to the tune of Rs.20 lakhs and hence he strongly objected to grant anticipatory bail to the petitioner. He further submitted that the co-accused was granted bail.

5. The learned counsel appearing for the intervener / defacto complainant also reiterated the arguments of the learned Government Advocate appearing for the respondent police and prayed to dismiss the application for anticipatory bail.

6. Heard both sides and perused the materials available on record.

7.Considering the rival submissions putforth on either side, considering the nature of allegations, considering the fact that already there is a civil dispute between the parties, that the date of alleged occurrence was taken place in the year 2015 and there is a delay in lodging the complaint, that already co-accused was released on bail and the petitioner/A2 cancelled the sale deed, I am inclined to grant anticipatory bail 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **District Munsif-cum-Judicial Magistrate, Kurinjipadi, Cuddalore** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.00 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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 269 B.N.S.2023.

02.09.2024

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To

1.The **District Munsif-cum-Judicial Magistrate, Kurinjpadi, Cuddalore.**

2.The Station House Officer, District Crime Branch, Cuddalore District.

3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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