



Crl.O.P.No.20046 of 2023

T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offences punishable under Section 420 of IPC in Crime No.312 of 2023 on the file of the respondent/police, seek anticipatory bail.

2.It is the case of the prosecution that defacto complainant and the 1st petitioner entered into an agreement of sale of the property pertaining to a house property belonging to the 1st petitioner on 30.10.2020 and the sale price of the property was fixed at Rs.22,80,000/- and an advance of Rs.1,00,000/- was received on the same day. Subsequently a sum of Rs.4,50,000/-, Rs.5,30,000/-, Rs.3,00,000/-, Rs.1,00,000/-, Rs.3,00,000/- and Rs.13,80,000/- was paid by the defacto complainant to the 1st petitioner and her family on various dates. However the property was subsequently mortgaged in ICICI Bank and when the defacto complainant demanded for the return of the money pay a sum of Rs.4,00,000/- was paid by the petitioner's to the defacto complainant and they cheated by not returning the remaining sum of Rs.9,80,000/-. The defacto complainant claiming right over the property and also gave a false criminal case. Hence the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are known to each other for several years. The entire transaction is a loan transaction and it is civil in nature. There is no intention to cheat the defacto complainant at any point of time. They are innocent of the offences alleged and have not engaged in any of the offences as alleged by the complainant. They are ready to abide by any condition that may be imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submitted that the defacto complainant has entered into an agreement of sale with the petitioners and paid a sum of Rs.13,80,000/- for redemption, so as to sell the property to the defacto complainant. As per the direction of this Court dated 12.09.2023, the petitioner had deposited Rs.9,00,000/- before the Lower Court in Crime No.312 of 2023.

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



6.The petitioners had already complied with the order dated 12.09.2023 passed by this Court. Hence there is no question of absconding. Taking into consideration of the facts and circumstances of the case and this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners is directed 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 Judicial Magistrate No.1, Cuddalore, on condition that the petitioners 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 the petitioners, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear before the respondent police as and when required;

(c) the petitioners shall not tamper with evidence or



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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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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