



Crl. O.P. No.21068 of 2024

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P. DHANABAL.J.,

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of IPC in connection with the Cr. No.166 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant sold property to Arunvelkumar on 20.01.2015 to an extent of 17 and 2.67 acres in Doc. Nos.1252 of 2015 and 1253 of 2015 respectively to the total value of Rs.10 crores, but the petitioner failed to pay the amount to the defacto complainant and when he asked about the same, on 02.04.2019 at about 21 hours, the petitioner abused using filthy language and threatened him. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the alleged offences under Sections 294(b) and 506(i) of IPC in the year 2019 and thereafter sections were altered into Section 420 of IPC. In fact, the petitioner has been falsely implicated in this case and there is dispute



Crl. O.P. No.21068 of 2024

between the parties in respect of sale of the property. Even as per the prosecution, the property was sold by the defacto complainant to the petitioner on 20.01.2015 for a sum of Rs.10 crores, but the petitioner failed to pay the amount to the defacto complainant and when the same was questioned on 02.04.2019 at about 21 hours, the petitioner threatened and used filthy language. In fact, already the property was purchased by this petitioner through sale deed dated 20.01.2015 on entire payment and there is no any due and now after 4 years, the present complaint has been lodged only to harass the petitioner by demanding more money, that he has not committed any offence and false case has been registered against him and hence prayed for the grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor would submit that he sold the property to the petitioner and sale deed was executed on 20.01.2015 to an extent of 19.67 acres and the petitioner promised to pay Rs.10 crores after completion of registration. Accordingly, he also executed the sale deed. After execution of sale deed, the petitioner just walked out with his subordinates and thereafter, when the defacto complainant approached him for money, he threatened to kill him. Hence he lodged a complaint. The petitioner has cheated more than Rs.10 crores



Crl. O.P. No.21068 of 2024

and also threatened him with dire consequences and hence he strongly

opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the defacto complainant, FIR has been initially registered against the accused for the alleged offences under Sections 294(b) and 506(i) of IPC and thereafter, it was altered to Section 420 of IPC and investigation is not yet completed and hence he strongly opposed to grant anticipatory bail to the petitioner.

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

7. Considering the rival submissions on either side, considering the fact that there is a money dispute pending between the parties and alleged sale deed was executed in the year 2015 and the complaint was only lodged in the year 2019 and after a lapse of 4 years and Section of law has been altered recently after 5 years, that there is no previous case pending against the petitioner and also considering the nature of offences, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the



Crl. O.P. No.21068 of 2024

event of arrest or on his appearance, within a period of fifteen days from

the date on which the order copy made ready, before the

Judicial Magistrate Court, Thirukazhukundram on condition that the

petitioners shall each 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 a.m. for 4 weeks and thereafter as and when required for interrogation.

[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 him 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.



Crl. O.P. No.21068 of 2024

[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 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.

03.10.2024
[2/2]

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To

- 1.The Judicial Magistrate Court, Thirukazhukundram
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Mamallapuram Police Station, Kancheepuram District.

P.DHANABAL,J
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CrI. O.P. No.21068 of 2024

CRL O.P. No.21068 of 2024

03.10.2024
[2/2]