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CRL O.P. No.27113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.27113 of 2024

Ramalingam S/o. Kaliappan ... Petitioner /Accused - 1
Vs

State rep. by:-

The Inspector of Police,
CCB-1, Coimbatore District. ... Respondent
[Cr. No.49 of 2024]

PRAYER:- The Criminal Original Petition is filed under Section 482 of
B.N.S.S., praying to grant anticipatory bail to the petitioner/Accused in
Crime No.49 of 2024 on the file of the respondent police.

For Petitioner : Mr. Muthupandi.V.

For Intervenor: Mr. T. Shanmugarajeswaran

For Respondent : Mr. S. Balaji,
Government Advocate
(Criminal side).

ORDER

The petitioner / Accused, who apprehends arrest in the hands of
the respondent police for the offences punishable under Sections 420,



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465,,467, 468, 506(2) and 120-B of IPC in connection with the Cr. No.49 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had sold his family property to the defacto complainant for an amount of Rs.2,64,00,000/- suppressing the fact that there is a partition suit pending during the sale and all the legal heirs have equal share in the said property by fraudulently creating documents. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against this petitioner for the alleged offences under Sections 420, 465,,467, 468, 506(2) and 120-B of IPC in Cr. No.49 of 2024. As per the prosecution case, the defacto complainant and his friend Sangeetharajan were searching properties for real estate business at Coimbatore, they came to know that the property in S.A. No.400/6A2, an extent of 33.75 cents at Saravanapatti Village through one Arunganesh Raja and Jayakumar and thereafter, they agreed to purchase the property at Rs.8 lakhs per cent and



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also got sale deed from one Ramalingam through sale deed dated 30.08.2023 after payment of Rs.2,64,00,000/-. After sale deed, along with his friend Sangeetharajan proceeded to develop the said land for converting into plots. While so, they came to know that the said Ramalingam has no right on entire property and already Kumarappa Gounder had obtained sale deed in the year 1996 and the same was suppressed. Further, there was a partition suit between the parties in O.S. No.899 of 2012 on the file of the III Additional Sub Court, Coimbatore and the same was suppressed by the accused. This petitioner along with others have also filed a partition suit in O.S. No.410 of 2013 and the matter has been compromised between the parties. Only based on that compromise decree, the property has been purchased by the petitioner. Therefore, the petitioner along with others have cheated the defacto complainant, thereby registered the FIR. In fact, this petitioner is no way connected with the previous Suit and he has no knowledge about the previous Suit in O.S. No.899 of 2012 on the file of the III Additional Sub Court, Coimbatore and this petitioner along with others have filed a Suit in O.S. No.410 of 2013 and the same was entered into compromise,



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based on the compromise, they executed the sale deed in favour of the defacto complainant. They have not suppressed anything and hence prayed to grant anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor / defacto complainant would submit that the petitioner along with others have sold the property to the defacto complainant and one Sangeetharajan through Sale deed dated 30.08.2023. At the time of execution of sale deed, they suppressed about the earlier Suit filed by the father of the petitioner in O.S. No.899 of 2012. After purchase of the property, when they entered into site for developing the land, somebody objected and thereafter, they came to know that the petitioner has no right over the entire property and already some portion of the property was sold to some other persons. Therefore, this petitioner along with other accused have cheated the defacto complainant by suppressing the earlier Suit and the encumbrance over the property. Therefore, he strongly opposed to grant anticipatory bail to the petitioner.



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5. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the defacto complainant, they registered the case in Cr. No.49 of 2024 for the offences under Sections 420, 465, 467, 468, 506(2) and 120-B of IPC and they conducted investigation. As per the investigation, the petitioner suppressed the earlier suit filed by his father and thereafter, filed a Suit and the same was decreed in terms of compromise between the parties. This petitioner and others have suppressed the earlier Suit and they have no right over the entire property. Therefore, the petitioner and others have cheated the defacto complainant and the investigation is not yet completed and thereby strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that already sale was taken place in the year 2023 and this petitioner is not a party to the earlier Partition Suit filed by his father in O.S. No.899 of 2012 and thereafter, he



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filed a Suit in O.S. No.410 of 2013 and based on the compromise decree, he sold the property and the defacto complainant also purchased the property having knowledge about the compromise decree and investigation is almost completed and no previous case is pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.VII, Coimbatore** 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 daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any



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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 or tamper with the evidence;

[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 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 269 B.N.S.2023.

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To

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1. The Judicial Magistrate No.VII, Coimbatore
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, CCB-1, Coimbatore District.

P.DHANABAL,J

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