



Crl. O.P. No.26840 of 2024

Crl. O.P. No.26840 of 2024

P. DHANABAL, J.

The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 406, 420, 506(ii) and 120B of IPC in connection with the Crime No. 2 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the owner of jewellery business. It is alleged that the petitioners and the de-facto complainant had a 30-year family relationship. Whiles, the de-facto complainant claims that he lent a total of Rs. 8.34 crores to petitioners 1 and 3 and one Maheshwaran, for their real estate business, through their manager, Aravindan, who signed for the loans. Despite receiving substantial sums from the de-facto complainant, the petitioners allegedly failed to repay the loans, totalling Rs. 8.835 crores.

3. It is the further case of the prosecution that the 1st and 3rd petitioners, along with Maheshwaran and Shabeer Ahamed, acted as brokers for a land deal in Paiyanapalli Village, where the owners received



Crl. O.P. No.26840 of 2024

Rs. 72,52,000/- but did not execute the sale deed or return the funds. It is alleged that they threatened the de-facto complainant and his family when he sought repayment. He is pursuing legal action against the petitioners and co-accused for conspiracy and fraud involving a total of Rs. 9.787 crores. Hence the case.

3. The learned counsel for the petitioners would contend that the entire allegations are civil in nature. The petitioners have not receive any money as alleged by the de-facto complainant and even as per the version in the FIR, the entire money is alleged to have advanced as a loan and therefore there is no question of criminality committed by the petitioners. The learned counsel for the petitioners would further contend that the petitioners are innocent and they would abide by any condition imposed by this Court. He would submit that co-accused have been granted anticipatory bail. Hence, the petitioners may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the de-facto complainant lent significant sums of money, totalling Rs. 8.34 crores, to petitioners involved in a real estate business, who have failed to repay the loans. In addition to that, the de-facto complainant



Crl. O.P. No.26840 of 2024

claims the petitioners that they fraudulently brokered a land deal without executing the necessary sale deed or returning the funds, amounting to a total of Rs. 9.787 crores and threatened him when he sought repayment. The learned Government Advocate appearing for the State submitted that there is one previous case pending against the A1 and A4. Hence, he objected to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side, considering the nature of offence involved in this case and considering the fact that there is no previous case against the petitioners 2 and 3 and also taking note of the fact the co-accused have been granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are 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 Judicial Magistrate No.II, Krishnagiri** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



Crl. O.P. No.26840 of 2024

with two sureties each for a like sum to the satisfaction of the learned

Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders;

[b] the petitioners 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 petitioners shall not leave India without the previous permission of the Court;

[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 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



Crl. O.P. No.26840 of 2024

registered under Section 269 B.N.S.2023.

WEB COPY

30.10.2024

shk

To

1. The learned Judicial Magistrate No. II, Krishnagiri
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, DCB Police Station, Krishnagiri District.

P.DHANABAL,J
shk



WEB COPY



Crl. O.P. No.26840 of 2024

Crl. O.P. No.26840 of 2024

30.10.2024